TILT Annual Report 2017
The Tilburg Institute for Law, Technology, and Society (TILT) conducts teaching and research into the regulation of technologies and technology-related societal innovation.

**National and International**
Established in 1994, TILT has built a serious reputation in research, enabling the development of a leading LLM program in Law & Technology. TILT is a prominent player on the national as well as the international level when it comes to research and education in this particular area. TILT’s expertise covers a wide range of topics related to law, regulation, technology and their normative implications.

**Multidisciplinarity**
TILT is a multidisciplinary research institute, combining law, philosophy, social sciences, public administration and management sciences. This enables us to look at research topics from multiple perspectives and deliver valuable contributions to the existing knowledge in the field of law, technology, and society. TILT’s collaborative and open environment stimulates social and intellectual interchange. Feel free to become more familiar with our organization through our website, or look directly for possibilities to get involved!

**Mission**
TILT’s mission is to explore and understand the interplay between technology, regulation and fundamental values/human rights; to study emerging technologies, their impact on the individual and society; and to assess the need for regulation of technologies.

**Academic climate**
TILT is located at the 7th floor of the Montesquieu Building at the Tilburg University Campus. We have a fairly unique composition in being large (around 50 researchers), truly interdisciplinary (combining law, STS, political science, and sociology) and international (with researchers originating from more than 20 countries). The academic environment is very lively, with much interaction and collaboration between researchers, sharing of ideas and constructive commenting on each other’s ideas and work. We take our open-door policy seriously, fostering collaboration and camaraderie. Tuesdays hold particular importance as this is the day when reading groups, work in progress discussions, seminars and other meetings are planned, but you will often run into spontaneous discussions and brainstorm-sessions at other times. This congenial atmosphere stimulates social and intellectual interchange.

**Topics**
TILT’s expertise covers a wide range of topics related to developments in ICT and nano-, bio-, neurotechnolog and robotics -technologies that are currently flourishing thanks to their rapidly evolving ICT infrastructures. Topics include e-government, e-commerce, e-health, data science, AI, machine decision making, legal analytics, trust, technology adoption and legitimacy, privacy, identity management, liability, cybercrime, public security, intellectual property rights, networks and innovation, and governance.
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Keeping technology in check; somebody’s got to do it.

The Tilburg Institute for Law, Technology, and Society (TiLT) is well on its way to become the leading research institute at the intersection law, technology, and society. What originated as a small group of legal scholars interested in IT law has over the last 24 years grown to a thriving group of almost 45 researchers spanning technologies such as bio, nano, neuro, climate, energy, health. Our scope is a wide range of (emerging) technologies and issues touching upon diverse legal doctrines. Our focus is on questions surrounding the regulation of and by technology, which are addressed from the perspective that technology, regulation and normative outlooks mutually shape each other. To achieve this, we foster interdisciplinary and collaborative research in both fundamental and applied projects.
TILT provides an intellectually stimulating environment engaging researchers from different disciplinary backgrounds and nationalities in academic debate and joint projects. The communal spirit and collegiality contribute to the quality of research and potential to attract grants. In 2017, for instance, we have welcomed a second very prestigious ERC Starting Grant (Linnet Taylor) within our team, supplementing Nadya Purtova’s ERC SG from 2016. Projects such as these show our capability to do ground-breaking interdisciplinary research.

Our collaborations and discussions extend well beyond our own ranks. We are keen on hosting visiting scholars, TILT fellows, and have lasting collaborations with external researchers, for instance in the context of the Privacy & Identity Lab (Pi.Lab), and institutes which contributes to a vibrant, engaging research climate.

We actively contribute to academic and policy discourse through policy briefs, contributions to conferences, newspapers and journals, guest lectures and keynotes. TILT is one of the founding members of the large annual Computers, Privacy and Data Protection (CPDP) conferences held in Brussels and we have successfully held our fifth bi-annual TILTing Perspectives on Technology Regulation (TILTing 2017) featuring 120 speaker slots and 285 participants.

TILT is internationally renowned for its academic achievements and high-societal relevance. We consistently score high on all relevant benchmarks. Our researchers have produced some of the top downloaded papers in leading journals and on SSRN. Monographs are published with leading publishers.

Although TILT is branded as a research institute, we take teaching and dissemination of our findings very seriously. We strongly believe teaching should be inspired by high quality research focusing on fundamental questions as well as contemporary issues in society. Our international Master’s program in Law & Technology is highly rated and in very popular demand. More recently we are engaged in the various Data Science curricula at TiU, TU/e and the Jheronimus Academy of Data Science (JADS). We also provide highly respected and popular professional education programs.

2017 has been a very dynamic year for TILT. We have seen significant growth due to research grants and investment in new domains (health and robotics/AI). As a result, we have closed the year with approximately 45 researchers on our payroll. You will find information about each of them later in this report. They cover a wide range of disciplinary backgrounds and come from more than 22 countries from around the globe. Unfortunately, we also had to suffer a loss. On 13 December 2017, dr. Samantha Adams passed away. With this event, we lost a warm, passionate, enthusiastic colleague who was just getting our health cluster on the right track.

TILT is also dynamical in the sense of constantly adjusting and extending its scope and keeping up with developments. 2017 has been a year in which the domains of Data Science, Health, AI and Robotics have been acknowledged as core areas of research within TILT, next to the existing areas of privacy & data protection, intellectual property and innovation, and cybersecurity.

TILT has strengthened its ties with the Tilburg Law and Economics Center (TILEC), through joint projects and staff, and other academic institutions, national and European Institutions and private companies to both gain a better understanding of the mutual shaping of technology-regulation-normative outlooks and provide them with our academic expertise in addressing regulatory concerns.

We strive for public access to our work through open access channels and foster knowledge exchange with students, scholars, policy makers, regulators and the general public.

We are looking towards a bright and dynamic future. At the time of writing this foreword, we are in full swing preparing for our 25th anniversary and TILTing 2019 (May 2019), and hiring more ‘TILTies’ to cope with all our new activities. We will have passed the bar of 50 researchers before this annual report is in print.

We extend an open invitation to you to engage with us on the exiting venture in understanding and guiding technology developments in view of the values we foster as society. This report should provide you with a good overview of what we stand for and what we do. Please feel free to contact us and get engaged with us.

Ronald Leenes
TILT director
1.1 Research

Transparency of automated decisions (Algorithmic Transparency) and arguments from various impediments

My research project aims to define transparency requirements which would render data-driven automated decisions reviewable and contestable—with a view to further explore the compatibility of these requirements with the EU Data Protection Regime (the General Data Protection Regulation (GDPR)).

The analysis of the adequacy of the transparency-related provisions of the GDPR primarily entails the definition of a measure, or a certain benchmark (transparency desiderata) to test and compare with the affordances provided by the Regulation. To this end, the study initially seeks answer to the question: what must be made transparent to render automated decisions reviewable, verifiable and justifiable as regulatory processes? Next, through a normative analysis of the meaning and the scope of the relevant provisions—namely, the “access rights”, and the specific provision Article 22 on automated decisions—the study further explores the compatibility of the GDPR with the defined transparency desiderata. The final part of the study identifies certain computational (e.g. complexity), legal (e.g. trade secret protection) and economic (e.g. feasibility) impediments that need consideration for the proper implementation of the transparency desiderata within the limits provided by the GDPR and without prejudice to the integrity of the systems, or to the rights and legitimate expectations of the interested parties.

Sensing the risk: How Citizen Sensing may transform the governance environmental risk to public health

I am a PhD researcher at TILT and part of TILT Heath Cluster. My PhD project aims at investigating how ‘Citizen Sensing’ (bottom-up monitoring initiatives based on sensors) affects the governance of environmental risk to public health and how this practice can be harmonized with the current models of risk governance, which are predominantly top-down. The ultimate aim of this research is to investigate how Citizen Sensing can improve institutional risk governance, bringing about a more accountable governance of environmental risk. A number of case studies, e.g. the Schiphol Noise Monitoring case and the AIREAS Air Pollution Monitoring case, are empirically researched through qualitative methods (a preliminary questionnaire, in-depth interviews and web observations). The protagonists of the research are lay people engaging with forms of Citizen Sensing, as well as experts studying the practice and institutional players confronted with the practice. The case studies are analyzed through a theoretical framework built on theories on Risk Governance (Van Asselt, Ortwin and Renn; Fisher) and on the Risk Society (Bech; Giddens; Lupton), combined with theories on the role of non-expert and scientific knowledge in society (Bijker; Bal; Wynne), complemented with the analysis of theories on social and legal accountability in risk governance. My inner motivation in pursuing this research is my belief in the value of environmental protection for the sake of public and personal health, my passion for an active citizenship, and my past and ongoing volunteerism on health and environmental related topics.
I am a PhD Researcher at TILT. I hold a Bachelor of Law (Justinianus Primus Faculty of Law in Skopje 2012). A double LL.M in Law & Technology and a 2 year Research Master in Law (Tilburg Law School/KU-Leuven, 2016). My previous work includes privacy scholarship as part of the VICI Project “Privacy 2.0” under Prof. dr. Bert-Jaap Koops, as well as neurolaw research on the right to freedom of thought in a neurotechnological context, regarding both technical and communicative avenues of overriding consent through neural manipulation, or indoctrination, respectively.

My research interests lie in the intersection of law and converging NCBI (nano-cogno-bio-info) technologies, with a current focus on the legal conceptual implications of neuro-technologies that bring ICT paradigms (data and intellectual property) into and upon the human body, brain and mind. This involves combining information theory with legal philosophy, as well as bioethics, intellectual property, critical studies of property regimes, and occasionally overlaps with AI research, where such research bridges with neuroscience and neuro-philosophy.

I am currently working on papers examining the implications of the neuro-science and -mechanics of beliefs for law, in the context of political polarization and mass disinformation, as well as the classification of neural signals under extant IP regimes.

MR. DR. COLETTE CUIJPERS

The main theme of my research is privacy and data protection. My interest specifically lies with the application of the legal framework to practical phenomena such as smart metering systems and the practical implications of data protection principles like privacy by design. The focus on privacy and data protection follows my PhD research concerning a private law approach to data protection law, including perspectives from public law and European law. Privacy and data protection definitely are the reoccurring themes in my research, but I feel blessed for the opportunities given to me over the years to participate in a wide variety of national and European research projects, covering many different legal domains, such as consumer protection, identity management, the protection of children online and digital democracy. Regardless of my commitment to keep exploring the domain of privacy and data protection, my main focus within TILT will be managing and further developing our Master Program in Law & Technology, as I cannot deny my passion for education.
After an internship at Philips Lighting as company business lawyer and one as advocacy activist protecting fundamental rights online at European Digital Rights, I got offered a position as researcher and lecturer at TILT.

My job has a threefold soul: coordination, education and research. I carry out the first two in connection to the Law and Technology Master’s, while I conduct research under the dominion of TILT. I am the coordinator of the Law and Technology Master’s at Tilburg University and take care of the management of the overall master’s thesis supervision. As regards to education, I am the teacher of the course “how to write a master’s thesis” and have frequently assisted in the teaching of courses, such as Biotechnology regulation, ethics of Techno regulation and Contracts and ICT. As for my interest in research, I wrote a master’s thesis on neuro-criminal law, yet I am currently shifting my focus to the legal challenged posed by the potential use of big data analytics to automate the personalization of contractual clauses in cloud services.

Understanding new forms of contracts for better use and regulation

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Never Alone: Privacy & Data Protection in the age of intelligent house robotics

My research focuses on creating a conceptual framework and a model to describe and analyze the effects of intelligent personal and home assistant devices (Amazon Echo, Google Home, Buddy, Jibo, and co.) on the construction and protection of the private sphere. The conceptual framework develops around three main factors: i) the introduction of the Passive Sharing of information inside the house, blurring the lines between behaviors occurring in public and those left unseen/unheard within the private sphere; ii) the profiling and the model used by the machine learning techniques that power intelligent personal and home assistant devices, creating a dense informational structure in which the private sphere is inserted as a node, called Aggregated Privateness Model; iii) Conversational Privacy, meaning the use of voice commands (in particular with regard to privacy settings) which might affect the construction of the concepts of private, privacy, and of the tools used to protect them, also based on the Theory of technological mediation of reality.

Both the conceptual framework and the model are also put in relation with the way the private sphere is protected, and in particular with the GDPR, in order to identify possible elements of frictions and areas that are not protected adequately, and suggest regulatory interventions.

My research interests also include regulation of Robotics and AI, legal personhood for artificial agents, the regulation of technology in general, cyberlaw, and IP law.
Safeguarding data Protection in an Open data World (SPOW)

We are on the wake of a revolution in urbanism – a shift from data-informed to data-driven, networked urbanism. An ever-increasing deluge of data is being collected, analyzed, and used to fuel what has been defined as “smart city”: an extended network of sensors, coupled with big data analytics, gather and process large amounts of data, allowing to manage and control the urban ecosystem.

The instrumentation and datafication of the built environment warrants a cautious approach, and calls for clear-cut values for the design of the infrastructure on which smart cities will be based. On one hand, the data gathered by and through the smart city environment can revolutionize urbanism, and enable a plethora of positive consequences. On the other, the array of sensors and the extensive data processing that define smart city technologies raise issues that need to be tackled from the outset of its development.

Privacy and data protection, are naturally threatened by the deluge of data gathered by the smart city environment. The evolution of large-scale smart environments has the potential to shift the normality of urban dwelling from a paradigm in which anonymity is the norm and identification the exception to one in which inhabitants are identified by default, and anonymous by exception. The SPOW project, carried on together with TU Delft’s Open Data Knowledge Centre, aims at a balanced co-design between the smart city’s development and its inhabitants’ rights to privacy and data protection.

Economics in INFO-LEG

My main research focus is currently on providing Economics insights to Nadya’s INFO-LEG Project “Understanding information for legal protection of people against information-induced harms”.

While the overall goal is to find potential new ways of organizing legal protection, the first step is to reach an understanding of what information is and does and which harms can result from it. From my current point of view, there are (at least) two major different ways in which information can be understood from an Economics perspective:

1) Information as a good that is exchanged in (market) interactions.
2) Information as a force shaping (market) interactions.

My current focus revolves around the question which (economic) incentives have led to the broadening scope of personal data and which potential benefits and harms are created by this development. In doing so, I plan to contribute to the understanding of the resulting trade-offs not only given the current scope of legal protection based on the notion of personal data, but also for potentially broader or narrower organizing notions that might serve as regulatory or institutional remedies.
1.1 Cybersecurity regulation

What if the Internet community could halt botnet attacks as they happen? Would that improve our response to large-scale cybercrime? Would such an intervention be desirable and legitimate? In my thesis, I investigate the regulatory boundaries of strengthening private-sector intervention against botnets and the regulatory changes such hybrid, preventive form of crime fighting would entail. Starting from the premise that industry intervention is both desirable and necessary, I investigate the current gaps and strengths in the national (NL) and EU legal framework and contrast those with the findings of a comparative analysis involving the U.S., a pioneering state in the field of anti-botnet strategies between public and private sectors. The outcomes of this comparison will serve as the foundation for regulatory recommendations for the Dutch and EU regulators who are presently urged with clamors for effective anti-botnet regulation. More broadly, the findings of this thesis are universal to the extent that the threat posed by botnet is not only ubiquitous but commonly shared, and regulators worldwide could benefit from understanding how leading nations are endeavoring to better protect their citizens.

This research addresses a socially relevant cyber threat that has been given little attention in regulatory and legal scholarship, despite its massive implications to cybersecurity. It distinguishes itself from other cybercrime legal research by applying mixed research methods in a joint work between academia and stakeholders, who track and take down botnet infrastructures on a daily basis.

I am conducting research in regard to privacy and big data-based security in public spaces. This research is connected to the ongoing Stratumseind Living Lab project on the prominent Stratumseind nightlife street in Eindhoven. The Stratumseind project is a public-private partnership, established to increase security so as to renovate the public area, bars and restaurants and make Eindhoven an economically more successful city. Innovative solutions such as lighting, social media and gaming technologies are being deployed and tested in order to meet the goals. Through these solutions a great amount of data will become available for mining, leading to serious privacy concerns, discrimination when used for decision making, unfair treatment, exclusion, stigmatization, de-individualization, loss of autonomy and confrontation with unwanted information. These issues are further complicated by the fact that this is happening in public space, since the need for privacy protection in public spaces is not adequately covered by existing legal frameworks. This research will delve into such and similar issues, emphasizing which actions and acts pose an actual threat to or harm human rights and freedoms (and people’s lives in general) and consequently develop a more adequate normative framework in this context.
I am a post-doctoral researcher in the context of the ERC project INFO-LEG [ERC StG2016 716971]. I conduct interdisciplinary research in law, resorting if needed to the social sciences and social theory.

I wrote my PhD on the risk-based approach in data protection law (entitled “Understanding the risk-based approach to data protection: An analysis of the links between law, regulation, and risk”). The dissertation analyzed data protection law through the use of literature coming from the fields of risk and regulation studies. In this context, I have focused on issues such as risk regulation and management, data protection, data protection impact assessment.

In the framework of the INFO-LEG project I am in charge of the Information studies track (information science, information theory, data studies, etc.). Within this ambit, my research questions focus on the nature of information, theories of meaning, and the way information relates to individuals. The goal is to use this literature to provide some conceptualization of contemporary information processing practices, how it affects individuals, and if anything can be learned therefrom as far as the regulation of the use of information is concerned.

Finally, I have always had an interest for issues related to human rights and environmental law. For this reason, I have written on such topics as smart electricity grids and sustainable development, the regulation of nanotechnologies, or anti-discrimination law.

Data science, theory of information, and the future of the data regulation

I am particularly interested in the interface between competition law and other fields of EU law such as data protection, intellectual property and electronic communications law. My current research revolves around data portability and access as well as consumer exploitation. Policies of data portability and access improve the control of consumers and businesses over data by enabling them to transfer and reuse information, but will inevitably also affect the position of firms on the market and influence incentives to innovate. The research maps how different legal regimes, such as data protection, competition and intellectual property law, interact with one another in facilitating data portability and access.

As regards consumer exploitation, my research focuses on the role of competition law in addressing exploitative commercial conduct like excessive pricing, price discrimination, unfair contract terms and undue influence. While exploitative practices are becoming more prevalent due to today’s technological possibilities to monitor behavior and to personalize services, consumer exploitation has never been a priority for competition authorities. This issue is becoming all the more pressing as the transformative nature of new technologies upsets well-established beliefs about how markets work, thereby calling into question the objectives of current competition enforcement. Since data protection and consumer law also pose limits to exploitative practices, a crucial part of the research involves an analysis of the interaction of these regimes with competition law. A reinterpretation of the role of competition policy in addressing consumer exploitation will lead to more proactive enforcement and thus better protection of consumers.

Tackling consumer exploitation in digital markets: how to revitalize competition law for a changing economy
**I am a human rights and law & technology scholar working in the area of constitutionalism, criminal law and surveillance law. I am interested both in legal practice and more fundamental reflections about law. My main area of expertise is data protection law and within that area the many conceptual variations with regard to its essence, it’s functioning and directions. Will harsher sanctions bring more legitimacy? Is accountability bringing more privacy or does it do something else? Does the fundamental rights status of data protection affect our pragmatist approach to the information economy? Are we really going to prohibit mass surveillance tools faced with a law enforcement apparatus that mainly sees the many benefits?**

**PROF. DR. PAUL DE HERT**

**Working on the intersection of legal theory, constitutional wisdom and technology law**

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**Designing Optimal Enforcement of Intellectual Property Rights**

**My long-standing research agenda lies in the area of enforcement of intellectual property rights in the digital ecosystem. In my ongoing research, I study the design and effects of legal remedies. In particular, I am interested in how remedies can better maximize the goal to promote innovation, and minimize negative consequences of enforcement. On the maximization part, I look at how to use flexibilities in the context of granting injunctions and damages to better customize exclusive rights for various markets. The starting point is that intellectual property law entrusts the exclusive rights regardless of the market conditions. As a consequence, the rights across the markets do not ‘behave’ in one predictable pattern. The dysfunctionalities of IP Law are industry-specific. The questions is, to what extent should innovation considerations play a role in granting the remedies to address these ‘localized problems’. On the minimization part, I study how to re-design notice and takedown scheme to mitigate over-blocking bias. The project addresses an increasing concern, namely how do we guarantee freedom of expression when the government tasks private parties with enforcement of its policies? There is a mounting evidence that such delegated enforcement can lead to systemic over-blocking of legitimate content. The question is, how to mitigate these effects? In answering all these questions, I rely on variety of approaches ranging from classical comparative, doctrinal and sometimes historical legal research, law and economics analysis to empirical methods, such as laboratory experiments.**

**DR. MARTIN HUSOVEC**

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**3.3 RESEARCH TILT STAFF**

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**3.3 RESEARCH TILT STAFF**
The globalized digital economy offers a paradigmatic shift in management and governance, yet technology is not neutral and context matters. By pointing to the shortcomings in our ethical frameworks, technological developments offer an entry point to investigate how cultural norms can reshape future debates. Rather than exporting carbon-copies of EU regulations and their embedded Western-centric normative assumptions, how can we move towards a more inclusive and diversified understanding of ethics and regulation? What do people feel about what is happening? As part of the ERC Data Justice project led by Dr. Linnet Taylor, my doctoral research explores how data justice can be reconciled with the demands of economic growth.

As a dominant hub in South-east Asia, Singapore is one of the countries best prepared for the digital economy. The recent Smart Nation initiative will use technology as an urban intervention across all major sectors to improve citizens’ lives, making the nation one of the most advanced and surveilled ‘smart cities’ in the world. Through empirical research, I seek to learn from the particular Singaporean context, both from how people are perceiving the benefits and risks of living in a constantly monitored city, as well as how the state takes the initiative and responds. How can state regulation navigate tensions between resource management, urban governance, and critical perspectives on data? By dialoguing with the comparative ERC project, the findings will help construct a more inclusive conceptual framework of data justice, in order to inform more effective and ethical global debates and policies.

My research explores the role of standardization in the field of human rights, through examining the case of technical standards in support of the right to protection of personal data in the EU. The aim of my research is mainly to contribute to the data protection body of literature by introducing a framework of principles and safeguards under which technical standards may support the protection of the right of Art. 8 Charter Fundamental Rights EU, taking into account legitimacy and governance issues of the standards-development processes, the human rights nature of the right to protection of personal data, but also the policy and regulatory appraisal of technical standards as an instrument supporting the aims of EU secondary legislation. I have also been conducting research for several European projects and studies in the field of certification, standardization and other soft law instruments. Prior to joining academia, I have been working as an attorney at law before the Court of Appeal in Athens. I also did traineeships at the European Data Protection Supervisor and the European Standardization Organizations CEN and CENELEC. In 2016, I collaborated with the European Commission as external expert evaluator of H2020 proposals on societal security and ENISA. In 2015, I received a best paper award and a young author recognition certificate from the International Telecommunications Union (ITU), the United Nations Agency for standardization. My research interests include privacy and data protection and emerging technologies, standardization and certification, contractual liability.
The core of my present research is to reconceptualize the way in which we protect privacy in the law. Current legal frameworks protect private life particularly in ‘private’ places, but much less in ‘public’ places. This is because traditionally, the home was the place where most of private life, literally, took place; when people moved around in public, they left most of their private life at home. However, the home is evaporating now it no longer shelters the most intimate activities. People carry their private life around, with photos, music, books, diaries, and communications being stored on mobile devices and in the cloud. Moreover, in public places, we traditionally expect to be just another face in the crowd, but with pervasive surveillance, location-tracking, and emerging face-recognition applications, anyone could be recognized anywhere. Together, these trends imply that existing legal protection can no longer be based on the outdated distinction between private and public places. My research aims at determining what privacy means in our technology-pervaded society. This challenge and possible solutions are applied in the context of criminal law and criminal procedure: how can and should criminal offences and digital investigation powers be defined and regulated, in order to ensure both effective law enforcement and adequate protection of privacy in the coming decades?

I am full Professor of Technology Law and Human Rights at (TILT, Tilburg University, the Netherlands). I obtained my law degree at the University of Athens (Greece) in 2002 and a Masters degree in Public Law at the same University in 2004. In 2005, I have completed an LL.M. in legal informatics at the University of Hannover (Germany) and in 2011 I was awarded the title of Doctor of Laws at the KU Leuven (Belgium) with a thesis on consent in data protection. I am conducting research on privacy and data protection, specializing in electronic communications and new technologies. I am especially interested in the impact of new technologies on human rights and the interplay between citizens, companies and governments. In 2014, I was awarded a personal research grant for research on privacy and surveillance by the Dutch Research Organization (VENI/NWO), which I am currently working on.

I have been involved in numerous EU research projects and I am teaching “Capita Selecta Privacy and Data Protection” at the LLM Law & Technology of the Tilburg Law School. I also collaborate as associate with timelex law offices.
I am full professor in Regulation by Technology and director of TILT. My primary task since September 2014 is managing TILT and facilitating TIL蒂ies to realize their potential. This includes advising my 11 PhD students.

My background is in Public Administration, with a strong acquired taste for the law and legal conceptual research. Being also versed in programming and even in designing digital circuits, it should come as no surprise that my (research) interests span a wide range of topics. I approach most of them from a socio-techno-legal perspective.

The limited time I have available for research at present is devoted to privacy and data protection, AI and automated decision making, and robotics. My recent data protection work concerns diverse topics, such as anti-doping in sports in view of data protection regulation, and certification under the GDPR (art42/43). The opacity of machine decision making and how to open the black boxes of Data Science is a research interest that I have pursued for a longer period. Transparency and accountability are the key terms here. In this area, I collaborate with Emre, Aviva, and Arnout. My recurring interest in robotics is currently nurtured in collaboration with Silvia.

My long-term research interests are techno-regulation and regulatory failure. (Information) technology is increasingly used, especially by private actors, to regulate human behavior (techno-regulation) without the democratic oversight that we traditionally have for other types of regulation. I study how technology regulates human behavior and what legal, ethical and social questions this type of regulation raises. Regulatory failure in technology regulation concerns the often-heard complaint that technology regulation does not achieve its aims. I am trying to get a better grip of what we mean by “regulatory failure” and how to assess it.

Technical standards have a huge impact in our digital society. With the increasing role of software in realizing many future technologies, Open Source Software (OSS) is increasingly important in shaping the ICT standardization landscape. Policy makers in the EU, e.g. the European Commission committed to promote an effective relationship between standardization and open source. However, among other challenges, how to deal with Intellectual Property rights, mainly patents and copyrights in the interplay remains a puzzle.

Against this background, my research focuses on the policy issues concerning Intellectual property licensing when Standard Setting Organizations (SSOs) interact with OSS in major scenarios such as: standardization phase and implementation phase, etc. Open source licenses can be diverse in their terms and conditions, but all of them are essentially copyright licenses and some of them do deal with patent rights granting. A SSO’s choice of an open source license in each scenario will have an effect on its current IPR framework, including copyright rules and disclosure and licensing rules of Standard Essential Patents. Correspondingly, these choices may have different impact on SSOs’ obligation to comply with competition rules set out in EU law and the Horizontal guidelines.
1.1 Research TILT Staff

PROF. MR. LOKKE MOEREL

I am senior of counsel with Morrison & Foerster and professor of global ICT law at Tilburg University. Since 2004, I head the working group of chief privacy officers at leading European multinationals who developed a new set of binding data protection rules in consultation with the Dutch DPA, which have since received EU-wide approval. I have written Binding Corporate Rules, published by Oxford University Press in 2012, which is considered the leading textbook on BCR. I currently publish, in particular on big data and (jointly with Prof. Corien Prins) published the 2016 pre-advice for the Dutch National Lawyers Association (NVJ). I am member of the Dutch Cyber Security Council (advisory body of the Dutch cabinet on cybersecurity). I am consistently ranked as a leader in data protection law in Chambers Global and Legal 500: “She has a formidable reputation in the field of data protection, advising numerous blue-chip clients. She is doing market-leading work” (Chambers 2015).

I started my career with the Dutch based law firm De Brauw Blackstone Westbroek as a specialist in Intellectual Property (representing IBM, Philips and Intel in their IP issues). In 1998, I became partner ICT, heading up De Brauw’s ICT department. During 2000-2002 I was partner in the ICT legal department of Linklaters London, where I headed up the teams for global licensing and IT-procurement and outsourcing transactions.

MARA PAUN

Reshaping data protection: lessons from other legal domains

I am a PhD researcher at TILT, working on mechanisms for legal protection against information-induced harms within the INFO-LEG project. The rise of complex informational systems challenges the current data protection paradigm. This means that attaining the protective objectives of data protection law may imply a considerable shift from what we now know in the EU. My dissertation attempts to make a step in rethinking personal data protection, by looking outside this legal domain. Scholars have been suggesting similarities and possibility for inspiration in other areas, such as consumer law, environmental law, competition law, IP law, etc. In my PhD, I intend to explore three of these legal domains dealing with protection against harms in order to draw lessons which may inform the adaptation of current data protection mechanisms. My research is relevant in two ways: in the short run, by providing insights to fine-tune and interpret the existing framework, and, in the long run, to offer possibilities of complementing the existing approaches of legal protection against harms induced by data processing.

I focus my research, publications and public speaking on the data protection and ethical aspects of big data analytics and AI.
I am associate professor at TILT, Tilburg University, The Netherlands. My work addresses ethical, legal, and policy issues regarding emerging technologies and includes a specific focus on health technologies. My current work generally follows three themes: 1) Artificial intelligence in medicine 2) eHealth and 3) biotechnology. In the area of artificial intelligence, my work explores the implications of Machine Learning in diagnosis and treatment. This work addresses questions pertaining to data protection and privacy, the operationalization of medical ethics in the context of machine learning in healthcare, and the adequacy and appropriateness of existing governing frameworks and their policy implications. My work in the area of eHealth focusses primarily on issues of data protection, ethical implications of uses of eHealth data, and the implications of current and proposed regulatory approaches. My work in biotechnology explores the ethical and policy implications of developments in biotechnology for biomedical purposes, including genetics, synthetic biology, and nanomedicine. My research agenda is supplemented by an ongoing interest in policy and ethical issues regarding developments in Alzheimer’s disease research. My work explores issues of resource allocation and policy and ethical considerations in the design and implementation of personalized medicine. I have taught Data Protection and Privacy Law and currently teach a course on Regulation of Technology for the LLM Law & Technology at Tilburg Law School.

PROF. MR. CORIEN PRINS

Addressing the challenges related to the use of technology in the domain of the judiciary

While my research used to focus on privacy and personal data, it has shifted towards the challenges related to the use of technology in the domain of the judiciary. Clearly, data science is here an enabling as well as disruptive technology. A court ruling is not merely a decision based on the facts and circumstances at hand, but also the outcome of fitting a particular case within the overall legal system and tradition. The reason for this being, that judicial decision making very much relies on the concepts of (legal) certainty and predictability. Hence, although judges decide on specific circumstances and normative propositions, the legal system as such supported by specialized language and tradition considerably influences the final decision and thus societal implications. Thus, introducing digital technology is much more than a new manner of doing well-known things. Questions I deal with: how can fair justice be fostered and realized in a data science mediated environment? What is the trade-off between applying different mining techniques that can predict what courts would decide in a certain case given the facts and circumstances at hand and the necessity (given the values of certainty and predictability) to consider the broader interest of fitting the case at hand within the overall legal system? What could be the impact of data-intense decision making on traditional notions within the judiciary, i.e. will it affect the subtle balance between on the one hand tailored decision making given facts and circumstances and on the other hand legal certainty and predictability requiring to mitigate the specifics of a case at hand?
1.1 research: tilt staff

From law of everything towards meaningful legal protection against data-driven harms

I am a Principal Investigator in the 2016 ERC Starting Grant project ‘Understanding information for the legal protection of people against information-induced harms (INFO-LEG)’ (grant agreement No 716971).

Information can harm people, for instance, being denied a mortgage or insurance based on your grocery shopping or online surfing profile. But what exactly is it in information that is harmful, and how can people be protected? The current legal answer is that legal protection is granted when a) there is information b) about or potentially affecting a person c) who is identified or identifiable. This is personal data.

Given modern data processing techniques and unprecedented amounts of data available for analysis, any information has a potential to impact people, and the identification techniques are moving towards perfect identification. Hence, all data will be personal in a near future. Due to the phenomenon called datafication, an increasing share of our environment will be ‘datified’. As a result, a legal regime of protection triggered by any automated interaction with data will be difficult to maintain. Yet, alternatives for structuring legal protection other than through the concept of personal data are lacking.

INFO-LEG is looking for alternative / non-personal data centric models of legal protection against harms associated with automated processing of information. We aim to do this through better understanding of information. The project is unique in integrating how law, economics, and information studies conceptualize information and its relationship to people.

My research examines the risk-based approach to data protection law in relation to fundamental rights. I am particularly interested in the question who is responsible for the protection of our fundamental rights and freedoms in the context of processing personal data. The risk-based approach brings about a shift in decision-making competence towards controllers, who now bear greater responsibility for the protection of the rights and freedoms of natural persons. This can make a substantive implementation of the GDPR possible, opening up channels through which controllers can be held to account by supervisory authorities for the way in which their processing affects the rights and freedoms of data subjects. But where does this leave the individual and her own choices? Is the risk of misuse too large?

Data protection scholarship is still grappling with the relationship between fundamental rights protection in general and the choices of individual data subjects in specific cases.

I started as a PhD researcher at TILT in October 2015, having studied at the Utrecht Law School (LL.B.), Warwick University, and Tilburg University (LL.M. cum laude (Legal research program) and summa cum laude (Law and Technology program)). I am also involved in teaching and the supervision of LL.M. students.

My research interests include rights theory, accountability, risk theory, data protection law and private law, privacy theory, informational self-determination, data justice, and political philosophy.
Regulating disruptive low-carbon technologies in the environmental and energy sector

My research focuses at the intersections of energy and environmental law. I am particularly interested in the regulation of new technologies that are capable of contributing to climate change mitigation and adaptation efforts. I wrote a PhD thesis on the coherent regulation of energy and environment in the European Union, in which I used the regulation of the shale gas extraction technique as a case study (Edward Elgar, 2017).

My interest in the regulation of disruptive energy and environmental technologies is part of my broader interest in understanding how innovation and (risk) regulation interact. This includes an interest in the way in which broader regulatory principles – such as the precautionary principle – may enable, or in some instances, hamper the development of new technologies that could have long-term beneficial effects for society as a whole. Specifically, I examine whether there are certain commonalities between the ways in which the production, sale, and distribution of energy is regulated among different jurisdictions.

I have researched the regulation of technologies such as Carbon Capture and Storage ("CCS") and nanotechnology, but I have also focused on regulatory initiatives that are designed to address climate change through fiscal or financial incentives, such as the EU’s Emissions Trading Scheme ("EU ETS"). As part of my research, I also address the regulation of renewable energy projects, such as hydro energy and offshore wind parks.

A passion for the mutual shaping of IT technologies and the law

I am interested in questions of responsibility and liability. Societal processes become more mediated by technology, more distributed and horizontal. Blockchain (subject of a WODC project 2017-2018) is a good example of this. As the role of technology increases, it becomes more difficult to attribute responsibility to humans (e.g. discussion about responsibilities of internet intermediaries). The question of legal personhood of machines starts appearing at the horizon. The technology will need to conform to (higher?) moral standards and it may be relevant to have more insight in how technology arrives at ‘decisions’ for legitimization purposes. Furthermore, the interaction between man and machine and amongst machines becomes more critical (e.g. self-driving vehicles). The wider distribution and further specialization (or fragmentation?) of tasks also make it more difficult to ascribe responsibility.

I am also interested in the increasing role of data in society. Data not only play an increasing role in business models, but they also become more important for development of new products and services (e.g. IoT). The law is ill-prepared to make use of the opportunities and defend against the harms (e.g. privacy and data protection). It is a fruitful field to study the mutual shaping of law and technology. The law should allow for the opportunities but may need to step in to control the harms.
I am a PhD researcher at TILT specializing in data protection legislation in the context of Big Data Analytics employed by governmental agencies. My PhD focuses on Big Data use by law enforcement actors. The use of (large scale) data is not new, but certain aspects of Big Data (such as the predictive elements, focus on patterns, creation of profiles, complex and opaque algorithms and analytics) create completely new possibilities in terms of combating crime, requiring a different outlook on this field. However, as the technological capabilities of governments and possibilities in terms of using data and technology are growing, the question arises whether the protection of citizens, against the risks that these practices bring, is still adequate. This is especially important in the law enforcement domain, where several serious risks, such as discrimination, or errors in data based decision making (which could lead to wrongful investigation or even detention), are prone and where the competencies to use Big Data can be very broad. Therefore it is necessary to scrutinize Big Data practices in the law enforcement context to see if data protection legislation still offers sufficient safeguards to citizens, also in the view of the data protection reform on the European level.

Big Data & Data Protection in the Law Enforcement context

My PhD research is conducted in the framework of the Understanding information for legal protection of people against information-induced harms (ERC-2016-StG-716971 INFO-LEG) Project. The project aims to re-examine conceptual foundations of the data protection law. My research explores if and to what extent data protection law can be improved in terms of conceptualization of information.

Information is an object under the law and it is dealt with through different legal specializations. Copyright, neighboring rights, the regulation of the media under public law and the fundamental freedom of expression and information, as well as data protection and privacy are all relevant for information law. Yet, the law has not developed a stable analytical framework for defining information and related concepts such as data or communication.

In order to realize how information behaves and is dealt with in law, I will conduct a comparative research in three strands of information law across three different jurisdictions. Based on the findings of this comparative analysis, a normative hypothesis for dealing with information in data protection law will be formulated and its feasibility will be evaluated.
Securing the home as a physical space from physical intrusions has been a cornerstone of criminal law protection of private life. The value of such place-based protection has been gradually diminishing. With the emergence of digital technologies, other spaces, both physical and digital, gain prominence in our private lives and emerging technologies enable others to gaze inside our homes from the outside. Home’s walls have traditionally formed the divide between private and public space, the doors and windows serving as interfaces between the two. However, shutting the door and closing the curtains no longer shelters the home from view. New interfaces of private and public space are emerging and increasing the permeability of the boundary. With a technology such as thermal imaging even solid walls help reveal what is going on inside our private spaces. Protecting physical space against physical intrusions is therefore no longer sufficient. In response to these developments, I am trying to re-consider the role of spatial privacy protection in criminal law by studying how the home developed as a place of private life and which values it is traditionally supposed to protect, questioning whether spatial protection of physical space can still protect them and how else can the boundary of protection be drawn, whether the concept of home can serve as a model in digital space, and to the extent the spatial protection remains useful, how should emerging interfaces of private and public space be regulated.

The juridical paradigm is focused on individual, subjective rights and personal interests, while new technological applications such as Big Data and mass surveillance do not revolve around the individual per se. The individual and individual interests are only incidental to these types of data analytics. These processes thrive on data sets about large groups of unidentified persons, from which statistical correlations and patterns are distilled.

My research suggests that the legal privacy paradigm did not always focus on subjective rights and individual interests, while new technological applications such as Big Data and mass surveillance do not revolve around the individual per se. The individual and individual interests are only incidental to these types of data analytics. These processes thrive on data sets about large groups of unidentified persons, from which statistical correlations and patterns are distilled.

The paradox, however, is that it is precisely due to the focus on subjective rights and personal interests that the position of the individual and her interests are no longer adequately protected in the current technological paradigm.
Technical standards, the law and new technologies

The main focus of my research is currently on legal issues relating to self-regulation, and in particular technical standardization, certification, contracts and the role of codes of conduct.

For my research into legal aspects of standardization and certification, data protection is currently an important focus. The introduction of the GDPR gives rise to a number of questions concerning the (significance and effectiveness of) self-regulatory tools relating to (mainly) data protection enforcement issues.

As regards technology contracts, the focus is on both contractual approaches to complex technology projects, including outsourcing, as well as issues relating to electronic contracting, smart contracts and related issues. In relation to codes of conduct my current work includes chairing an expert group that is working on the development of a code of conduct which aims to facilitate the introduction of artificial intelligence in our society.

The above topics are also reflected in my teaching. Main activity is a course on contracts & ICT that focuses on contractual issues relating to (mainly) cloud computing and complex ICT-projects. This includes an introduction into the various types of ICT-contracts that can be distinguished as well the contracting process, liability issues, licensing issues (including open source), security, dispute resolution as well as approaches to contract drafting and evaluation. In other courses my focus is on standards and liability, legal issues of AI, and big data related issues.

Data, justice and the politics of representation

My research focuses on the way data technologies impact representation, rights and development, both human and economic. With a perspective based in International Development Studies, I conduct ethnographic research on the use of data in policy, business and society in order to understand how decisions are made around data in governance, and how people experience datafied governance in their everyday lives. I look at how people are represented through digital data, and particularly at social and economic inclusion and exclusion through data. I research these problems in particular environments including international development and humanitarian response, smart cities and living labs, and more broadly with regard to the emerging public-private sphere in countries worldwide.

I lead the ERC-funded DATAJUSTICE project which aims to understand and conceptualize the links between different regional and cultural perspectives on what constitutes just treatment through data technologies. This study includes the issues of privacy, discrimination and technology access and/or avoidance. I am engaged in an ongoing collaboration with the scholars building the field of Critical Data Studies, which interrogates the power dynamics and structures underlying datafication.
I am a South African lawyer and former TILT student. I am a member of the Education Team, which focuses on ensuring that an ever-expanding TILT, and its associated student body, continue to uphold the high standard of academic teaching and learning it has come to be known for. I am currently working on several projects to help promote TILT, as well as adding digital learning platforms to the TILT teaching toolbox. I also assist with the TILT input into the Jheronimus Academy of Data Science (JADS), where I am involved with the coordination and teaching of the courses taught by TILT as part of JADS. Additionally, I form part of the Intellectual Property cluster, where I assist with all of the IP based courses, given that my primary field of specialization is IP Law. My current involvement in multiple divisions across the TILT spectrum is helping to narrow down the next field of research I would like to specialize in. Due to my broad range of interests, and innate ability to strike up a conversation with absolutely anyone, my day to day duties can be best described by a quote from a colleague - “We don’t know what you do, but you seem to be involved in everything”.

JOHN WATERSON

I am Assistant Professor of EU Health Law in the TILT Health Cluster. I am an EU lawyer with a background in both institutional and substantive EU law. The core question that drives my research is “How and by whom should health be regulated in the EU?”.

My main area of expertise is the regulation of pharmaceuticals, but I am interested in broader health technology and innovation issues. My PhD research analyzed the implementation of global pharmaceutical standards in the EU, focusing on the effect of their implementation on the administrative procedural principles of transparency, participation and regulatory independence in the European Union. I continue to research the influence of global standards on health innovations and health regulation in the European Union, especially in the area of pharmaceuticals, chemicals and foodstuffs. Moreover, I am researching the use and publication of health data by European regulators, such as clinical trials data or pharmacovigilance data.

DR. SABRINA RÖTTGER-WIRTZ

My primary field of specialization is IP Law

Researching healthy standards
As a Chinese scholar working in the Netherlands, I have been working on data and privacy protection since 2014. Before joining TILT in Oct. 2017, I have worked at University of Groningen as a senior research fellow on multiple cross-disciplinary research projects funded respectively by NWO, the European Union and UNESCO. My research fields include legal formalities (rules and principles), rule of law in China, posthumous privacy, political censorship and freedom of expression, Internet Governance, cybersecurity and cybercrime, and data privacy protection.

At TILT, my present research focuses on exploring the development of home as a legal concept and boundary marking proxy in the context of data privacy protection from a comparative approach covering eight selected jurisdictions. The aim is to find out to which extent the present concept of home in modern law can still protect our data and privacy in the post-digital age; and to find out in which ways our present and future law may again best protect the sacred home that has been much digitalized and super-connected in the onlife world. In addition, I also conduct research on cross-border data and privacy protection in the contexts of the exterritorial impacts of EU’s General Data Protection Regulation (GDPR) and crime investigation regarding cross-border search and seizure of digital evidence.

1.2 PROJECTS

1.2.1 Anti-Doping & Data protection

TILT has conducted a study commissioned by the European Commission on the collection of personal data in the context of the fight against doping in sport. Athletes have to submit to blood and urine collection programs. In addition, privacy sensitive data are being collected in the fight against doping. After more than a year of research, the researchers delivered their report in the fall of 2017. The report indicated that countries within the European Union needed to take a number of steps to ensure compliance with the right to data protection and other fundamental rights.

The report suggested that countries should be critical especially on three points:

- The need for many of the doping tests is now insufficiently substantiated, while this is a legal requirement.
- Collecting personal information about athletes often does not comply with the rules contained in the General Data Protection Regulation of the European Union.
- The legal position of the athlete is very weak, which may lead to an interference with the right to a fair trial as laid down in the European Convention on Human Rights.

The report provided 30 recommendations for countries to ensure that doping controls are conducted within the applicable legal framework.

1.2.2 Big Data

Public Sector Data Ethics - The Ministry of The Interior and Kingdom Relations of The Netherlands (BZK) - completed April 2017.

The project focused on the ethical challenges of the move from digitizing government functions to governments relying on the sharing and use of digital data for its functioning. The example of the private sector showed that despite legal checks and balances, it is still common for data to be used in ways that are invasive of privacy, discriminatory against protected groups, or are otherwise socially detrimental. The public sector shared many of the same risks, including lack of transparency. The current vision of oversight in The Netherlands, based on fiscal efficiency and
legal compliance with data protection regulations, encourages a short-term and compliance-based perception of responsibility which is insufficient to the longer-term social and democratic implications of data analytics as a tool of governance. What is missing is an ethical framework that can bridge the two sets of rules to provide meaningful and practical guidance as internal and external partners work together. To design such a framework, we looked at frameworks in place mainly in the UK and France, to draw inspiration.

We argued for a model of data ethics oversight that puts accountability at the center, and uses the idea of responsible data use to build a system of checks and balances. Such a framework also includes measures to create transparency, and will to some extent be public-facing. We devised a model that consists of three elements: 1. Background principles (the core values we want to protect and promote in government data science); 2. Accountability framework (a control loop); 3. Enforcement and oversight.

1.2.3 Botleg
Combatting botnets is a key challenge in cybersecurity. The classic crime-fighting approach of prosecuting perpetrators and confiscating crime tools failed here: botnets cannot be simply ‘confiscated’, and law-enforcement’s reactive focus on prosecuting offenders is ill-suited to deal effectively with botnet threats. A wider set of anti-botnet strategies, including pro-active strategies and public-private co-operation, is needed to detect and dismantle botnets. Public-private anti-botnet operations, however, raised significant legal questions: can data about (possibly) infected computers be shared among private parties and public authorities? How far can private and public actors go in anti-botnet activities? And how legitimate are public-private partnerships in which private actors partly take up the intrinsically public task of crime-fighting? These questions were addressed in the BotLeg project on the legal boundaries of public-private actions against botnets.

The BotLeg project is a consortium between Tilburg University (TILT), SURFNet, SIDN, Abuse Information Exchange, and NHTCU. While the main focus of the research was the Netherlands, the project is developing a comparative analysis to include other EU countries. The project is financed via Netherlands Organization for Scientific Research (NWO). Among the expected legal research results, the project will deliver sectorial guidelines and codes of conduct on anti-botnet operations.

1.2.4 Data Portability
The joint TILT- TILEC data portability project explores the impact of data portability on individuals, competition and innovation. Data portability is the ability of consumers to move data among different services. The General Data Protection Regulation has introduced data portability as a right of natural persons in EU data protection law, to demand exportation of their personal data from one service in order to take it “with them” and re-import it into another service.

Beyond its role in data protection, the right to data portability will inevitably affect the position of firms on the market, and hence influence the future landscape of data-centered business models. As a remedy to user lock-in and associated switching costs, data portability can have an important impact on competition between market players and profoundly change their business strategies. At the same time, however, it might also influence incentives to innovate. There is an urgent need to map and study these issues as well as to examine how existing and evolving policies in different fields interact with one another considering that policy makers have started to look at possible portability tools in other fields, such as consumer protection and the free flow of non-personal data, as well.

The project aims to connect academia, industry and policy makers. So far, the project has received funding from Tilburg Law School and Philips Lighting.

1.2.5 Domjur
The Domjur project builds and maintains the largest online database of case law about domain name disputes concerning .nl domain names and about responsibility of internet intermediaries. The project is funded by SIDN, the registrar of .nl domain names. The project started in the early 2000s and continues to this day.

1.2.6 ERC grant, Linnet Taylor (Global data justice in the era of big data: toward an inclusive framing of informational rights and freedoms (DATAJUSTICE))
Places and populations that were previously digitally invisible are now part of a ‘data revolution’ that is being hailed as a transformative tool for human and economic development. Yet this unprecedented expansion of the power to digitally monitor, sort and intervene is not well connected to the idea of social justice, nor is there a clear concept of how broader access to the
benefits of data technologies can be achieved without amplifying misrepresentation, discrimi-
nation and power asymmetries. We therefore need a new framework for data justice integrating
data privacy, nondiscrimination and non-use of data technologies into the same framework as
positive freedoms such as representation and access to data. This project conceptualizes data
justice along three dimensions of freedom: (in)visibility, autonomy with regard to technology, and
combating data-driven discrimination. The framework will then be tested and further shaped by
debates held in nine locations worldwide.

1.2.7 ERC grant, Nadya Purtova (Understanding information for legal protection
of people against information-induced harms (INFO-LEG))

Information can harm people, for instance, being denied a mortgage or insurance based on your
grocery shopping or online surfing profile. But what exactly is it in information that is harmful,
and how can people be protected? The current legal answer is that legal protection is granted
when a) there is information b) about or potentially affecting a person c) who is identified or
identifiable. This is personal data.

Given modern data processing techniques and unprecedented amounts of data available for
analysis, any information has a potential to impact people, and the identification techniques are
moving towards perfect identification. Hence, all data will be personal in a near future. Due to
the phenomenon called datafication, an increasing share of our environment will be ‘datified’.
As a result, a legal regime of protection triggered by any automated interaction with data will
difficult to maintain. Yet, alternatives for structuring legal protection other than through the
concept of personal data are lacking.

INFO-LEG is looking for alternative / non-personal data centric models of legal protection
against harms associated with automated processing of information. We aim to do this through
better understanding of information. The project is unique in integrating how law, economics,
and information studies conceptualize information and its relationship to people.

1.2.8 EU study on certification mechanisms

TILT leads the research for a study commissioned by the Directorate-General for Justice and
Consumers of the European Commission on certification mechanisms, seals or marks under
Articles 42 and 43 of Regulation (EU) 2016/679 (GDPR). The aim of the study is to support the
establishment of certifications under the new legal framework and provide insights and recom-
mendations to the European Commission, Data Protection Authorities, and other stakeholders.
The output of the study is a comprehensive report that analyses the existing certification
landscape, identifies certification and accreditation models and processes, elaborates on
stakeholder views on technical standards for certification and explores certification as a mecha-
nism for transfers of personal data outside the EU. Ronald Leenes, Irene Kamara, Eric Lachaud
and Kees Stuurman (TILT) collaborate with researchers from TNO and Civic Consulting for
the study.

1.2.9 MicroMole

TILT is part of a Horizon 2020 consortium project in which the possibilities and boundaries
for sewage monitoring are explored. The threat of synthetic drugs is one of the most significant current drug problems worldwide. Amphetamine-Type Stimulants (ATS) are the second most widely used drugs. In 2008, 80 % of the amphetamine production facilities dismantled worldwide were located in Europe. Against this backdrop, the aim of this project is to design, develop and test a prototype of a system for legal recording, retrieving and monitoring operations of ATS and ATS precursor laboratories in urban areas. The sensor system will be installed within the sewage system and will track waste associated to ATS production.

Criminal investigators and forensic specialists can use the system in case of: 1. Initial general suspicion of ATS production in a certain area, for locating laboratories by moni-
toring the sewage system for long time periods; 2. Strong suspicions that in a well confined area ATS is being produced, for collecting material for forensic analysis and potential use in court, and for aiding in the planning of Law Enforcement Agencies raid operations.

TILT is part of the development and testing of the MicroMole prototype by anticipating on- and
analyzing of the systems non-technical boundaries such as privacy law, data protection and
social acceptance.
1.2 Projects

1.2.10 VENI Eleni Kosta — Informational Self-determination
The Snowden disclosures on secret surveillance programs demonstrated that citizen data are being secretly — without their knowledge and consent — collected by the state via private companies, at a massive scale. This blanket and mass citizen surveillance seriously undermined individuals’ informational self-determination and effective legal protection. Building on the theories of informational self-determination and constitutionalization of data protection, in this NWO funded VENI project, Eleni Kosta identifies the required systemic revisions in the European data protection framework, in particular in the system of checks and balances to compensate for the loss of citizen control over state access to citizen data via private companies.

1.2.11 VICI Bert-Jaap Koops — Privacy Protection in the 21st Century
The right to the inviolability of the home is the cornerstone of privacy protection. However, now that people are continuously carrying their private lives with them (in their smartphones or in the cloud) and can be followed everywhere in the public space (e.g., through cameras, drones, facial recognition, Google Glass), privacy must be reinvented. An NWO Vici grant allows Bert-Jaap Koops and his research team to do just that.

The research aims at finding new paradigms to legally protect citizens in the age of ubiquitous data, without linking the protection to a specific place. Ideas that are explored, are a (right to Inviolability) of “Home 2.0”; special protection for certain categories of (“core”) personal data or of combinations (“mosaics”) of data from various sources; or strict limitations on investigation services to only collect data relevant to the context of the specific investigation. The project is not merely aimed at protection through legal rules, but also at possibilities to enforce legal protection through technology itself.

1.3 PhD Dissertations

1.3.1 Volha Parfenchyk, 28 June 2017, Tilburg University, TILT
Title: Contesting rights: bioconstitutionalism and the debate on preimplantation genetic diagnosis in Italy
Supervisor: Prof. E.J. Koops. Co-supervisor: Dr. S.A. Adams.

1.3.2 Bart van der Sloot, 30 June 2017, Amsterdam
Title: Privacy As Virtue: Moving Beyond the Individual in the Age of Big Data
Adequately protecting citizens’ privacy is particularly difficult in a world in which data flows are continuously growing and data analysis is becoming increasingly faster. It is high time that privacy be no longer simply regarded as an individual right, but also as an obligation of data processors, contends lawyer and philosopher Bart van der Sloot. That is the correct approach according to virtue ethics. He defended his doctoral thesis on Friday 30 June at the University of Amsterdam. His research was funded from the NWO programme Research Talent.

Supervisors: Prof. N. van Eijk and Prof. B. Roesler. Associate supervisor: Dr. N. Helberger.
1.3.3 Milda Macenaite, 29 November 2017, Tilburg University, TILT
Title: Protecting the privacy of youths on the internet.

The project aimed to better understand and justify the necessity of specific regulatory privacy protection (through legal and soft-law tools) for youths on the internet. Based on regulatory and childhood theories, it first analyzed the normative reasons why children as agents need specific protection in law. Furthermore, the project explored the current empirical situation (privacy risks online and regulatory mechanisms in the EU addressing them). Then, it examined whether the established normative reasons are reflected in the current regulation and whether the existing mechanisms are able to mitigate the risks. Finally, it considered how to improve the existing regulation.

The project merged social sciences (sociology, psychology, media and communication sciences) and law (especially law in human rights and data protection areas). It aimed to translate empirical findings on privacy risks online available in the above-mentioned social science disciplines into the legal domain and apply the insights in the context of child's rights regimes.


1.3.4 Sebastian Dengler, 1 December 2017, Tilburg University TiSEM
Title: “Economic Essays on Privacy, Big Data, and Climate Change”.

This doctoral thesis aims to advance our understanding of major topics of concern in the 21st century using theoretical as well as empirical economic methodologies. All three topics do and will continue to affect people’s lives as they can substantially shape the functioning of our societies. Thematically linked, Chapter 2 and 3 both focused on privacy choices and their consequences in the context of big data algorithms that target individual consumers. In contrast, Chapter 3 and 4 are linked methodologically as both present results from economic laboratory experiments, where the former focused on cognitive challenges of individual decision-makers and the latter on challenges to coordination and cooperation between decision-makers.


PhD defense Milda Macenaite

PhD defense Sebastian Dengler
1.3.5 Sabrina Röttger – Wirtz, 18 December 2017, Maastricht University

Title: “The interplay of global standards and EU pharmaceutical regulation”

On 18 December 2017, Sabrina Röttger-Wirtz successfully defended her PhD thesis at Maastricht University. The PhD research ‘The Interplay of Global Standards and EU Pharmaceutical Regulation’ discussed the EU implementation of pharmaceutical standards set by the International Council for Harmonization (ICH). It is argued that the process of standard-setting in the ICH does not adhere to the same level of participation, transparency and independence of expertise as would be ensured through administrative procedure in the Union. This leads to legitimacy flaws of the ICH standards and with the implementation of ICH standards in the Union, their flaws are imported as well.

Supervisor: Prof. dr. E. Vos. Co-supervisor: Dr. A. Oh.

1.4 INAUGURAL ADDRESS – PROF. DR. ELENI KOSTA

Unsureing masses and unveiling human rights
Uneasy choices for the Strasbourg Court

In May 2013 Edward Snowden revealed that UK and US intelligence services were collaborating in the context of surveillance programs involving personal information of individuals in an unprecedented way. A number of human rights organizations filed three applications against the mass secret surveillance conducted by the UK intelligence agencies claiming a violation of the right to privacy (among others).

Eleni Kosta in her inaugural address discussed the circumstances of these pending cases against the activities of the UK intelligence agencies as an example of the interplay between modern technological surveillance capabilities and the dangers that they bring against human rights, in order to illustrate the crucial need for further research in the area of surveillance and human rights, which she intended to undertake in her role as Chair of Technology Law and Human Rights.

Algorithmic surveillance facilitates the aggregation of data, as well as the creation of detailed profiles and expands the surveillance assemblage. The galloping developments in the technical capabilities of carrying out surveillance are bound to have a reflective impact on the protection of human rights. Does it suffice to refine the existing guarantees in order to meet the challenges brought by technological developments, such as algorithmic surveillance, or should we completely rethink the system of checks and balances that guarantees the protection of human rights?

The ECtHR requires clear information in interception warrants, which would be reviewed by an oversight authority, in principle entrusted to a judge. However, algorithmic surveillance, surveillance that relies on the use of algorithms and employs machine-learning techniques, does not allow either the law itself or a warrant stipulating the surveillance to specify the surveillance methods in detail. Especially in relation to mass surveillance measures the patterns are not predetermined, but they are technologically inferred during the processing. Algorithmic surveillance gives rise to one additional challenge to the Court, as it creates groups, whose rights need to be protected. Traditionally the Court required reasonable likelihood for an individual to claim...
the status of a victim. However, the nature of mass algorithmic surveillance is such that opens a number of questions in relation to the protection of groups that are generated based on the algorithmic computations. Will the focus of protection remain with the individual or will new approaches be developed in the regulation of human rights protecting groups of people?

Recently, in Szabó and Vissy the Court established a double necessity standard for secret surveillances measures, both as a general consideration for the safeguarding of democratic institutions and as a particular consideration, for the obtaining of vital intelligence in an individual operation. It will be almost impossible for surveillance authorities to meet these strict necessity criteria especially in cases of algorithmic surveillance. How can human rights be protected in an era that secret surveillance capabilities are expanding through technological developments, facilitating new and invasive surveillance methods? Would the ECtHR render algorithmic surveillance as violating human rights per se?

**1.5 PRIZES, HONORS, AWARDS AND PERSONAL GRANTS**

### 1.5.1 Prizes, honors and awards 2017

<table>
<thead>
<tr>
<th>Award</th>
<th>Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Best Paper Award IFIP Summer School 2017</td>
<td>Silvia de Conca</td>
</tr>
<tr>
<td>Best Runner-Up Paper IFIP Summer School 2017</td>
<td>Sascha van Schendel</td>
</tr>
<tr>
<td>Member of Young STT*</td>
<td>Eleni Kosta</td>
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<tr>
<td>Hans Franken Award*</td>
<td>Claudia Quelle</td>
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### 1.5.2 Personal grants 2017

<table>
<thead>
<tr>
<th>Grant</th>
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<tbody>
<tr>
<td>ERC Starting Grant</td>
<td>Linnet Taylor</td>
</tr>
<tr>
<td>Erasmus+ grant</td>
<td>Irene Kamara, Martin Husovec, Sabrina Röttger-Wetz, Leonie Reins, Anna Berti Suman</td>
</tr>
</tbody>
</table>

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1 Silvia de Conca was honoured with the Best Paper Award for her piece titled “From the glass house to the hive: the private sphere in the era of intelligent home assistant robots”, during the IFIP Summer School 2017 on the Smart World Revolution held at the JCR of Ispra (Italy) at the beginning of September.

2 Sascha presented a paper on big data and criminal justice. Her paper was runner up for best paper award.

3 Eleni has been appointed as a member of the Young STT (Netherlands Study Centre for Technology Trends – Stichting Toekomstbeeld der Techniek, https://stt.nl/youngstt/) on behalf of Tilburg University.

4 Claudia Quelle received the Hans Franken Award for her MA thesis on the Data Protection Impact Assessment.
2.1 MASTER L&T

The cornerstone of TILT’s education program is its Master’s program in Law and Technology. This LL.M. program was launched in September 2005. The program is attracting 100 students from all over the world on a yearly basis. It addresses regulatory and legal aspects of the introduction of innovative technologies. It includes courses on intellectual property rights management, legal aspects of biotechnology, risk management and regulation, and ethics of technology.

Students are trained in assessing the mutual relationships between technologies and society, through acquiring profound interdisciplinary knowledge of technology, law, and society. In individual courses extra attention is paid to typical requirements of lawyer’s practice. Additional seminars are provided on topical developments.

2.2 OTHER EDUCATION

2.2.1 Bachelor’s program

TILT offered various courses in Law and Technology for Bachelor and advanced students in law and related fields. TILT researchers were involved in the Global Law Bachelor by teaching a course on Technology and Society. The aim of this course is to develop students’ knowledge of important trends in technological developments to the degree that these developments are relevant for regulation, legislation, and enforcement.

2.2.2 TILT teaching at the Jheronimus Academy of Data Science

Tilburg University is one of the founding partners of the Jheronimus Academy of Data Science (JADS). TILT lecturers are currently involved in coordination and teaching of multiple JADS related courses. Through its input, TILT aims to infuse the courses with a strong legal and ethical foundation that will stay with JADS students throughout the rest of their careers.

The majority of JADS students do not have a legal background. However, over the course of their careers, they will inevitably face circumstances in which they will benefit from an understanding of the legal frameworks of Data Protection and Intellectual Property. Beyond this, TILT lecturers seek to challenge JADS students to be aware of not only legal considerations but also the ethical and moral obligations that come into play when one deals with (big) data.

(Parts) of the following courses were taught by TILT lecturers as part of JADS:

- **Joint Bachelor in Data Science**: (Tilburg + Eindhoven)
  - Law and Data Science
  - Perspectives on Data Science
  - Data Science Ethics
- **Joint Masters: Data Science and Entrepreneurship**: (Den Bosch)
  - IP and Privacy
  - Law, Ethics and Entrepreneurship
- **Masters in Data Science: Business and Governance**: (Tilburg)
  - Mandatory: Data Science Regulation and Law
  - Elective: Data Science: Sustainability, Privacy and Security

Graduation day 2017
2.2 Other Education

The primary aim of the courses TILT provides is to ensure that data scientists of the future are aware of the legal and ethical duties that come with the great potential of (big) data. The legal courses provide a basic framework which allows students to build an understanding and awareness of fundamental legal concepts that they may encounter. The IP and Privacy courses, either on their own or in conjunction with other courses, aim to ensure the students are aware of the GDPR and the strict rules regarding privacy and data protection that they might be required to understand, implement and follow. Meanwhile, the courses on ethics are designed to arm students with an appreciation of certain moral and ethical factors which may influence a decision not to analyze or publish certain information, even in cases where it is already publicly available.

2.2.3 Professional Education

TILT organized several Professional Education courses. In autumn 2017, the 11th edition of the successful course on privacy and data protection legislation took place. During 4 days (all Fridays) the participants gained a foundational understanding of the relevant legislation and gained practical experience in handing data protection issues via case studies. As General Data Protection Regulation (GDPR), the course prepared the participants in view of the new challenges and obligations in place when the GDPR becomes applicable. Special attention was given to issues prominent in an international setting of data use, including on the scope of application of the Regulation and compliance with the EU data transfer rules (including the implications of the recently adopted Privacy Shield on data transfers between the EU and the US).

Both the new rules as well as their organizational embedding, including guidance on complying with the accountability principle, information on when and how to perform Data Protection Impact Assessments and practical instructions how to implement the required contractual agreements within businesses and in relation with third parties (hosting of data bases, outsourcing of IT and cloud contracts) were explained in detail during the course. Finally, several security issues including the new data breach notification requirements were dealt with.

1 replaces the Data Protection Directive (25 May 2018)

The course allowed the participants to be closely involved and interact with experts in the field of privacy and data protection. The course enables the participants to independently supervise, advise and manage issues on a wide range of privacy and data protection related issues. Based on practical examples the participants obtained a comprehensive overview and insight into the core doctrines and notions of data protection and privacy rules and security requirements, and acquire knowledge on their implementation in day-to-day practice.

Also, a PE on Big Data & Law was organized. This program offered a full spectrum on the emerging field of both the law on big data as well as the use of big data in the law. The participants got a comprehensive view on the latest developments in big data and artificial intelligence (AI) related to the law and legal practice. A wide range of topics including the GDPR, ethical issues of big data and AI, contractual protection of data and IP-rights were covered in the standard program. On top of this groundwork, participants could choose to follow one of the one-day specialist modules for specific topics. Having followed this program, participants got an up-to-date understanding of the legal challenges of big data and were able to apply law and regulations in dealing with these technologies. After following the Big Data & Law program, participants were acquainted with the drivers behind the data revolution including subjects like AI, the GDPR, cloud computing and block chain to name but a few. They knew exactly which role big data is taking in today’s legal landscape and how to deal with big data related issues in everyday practice.
2.3 TILT CLINICS

TILT Clinics are short term projects (5 days typically) in which a few (3-6) Law and Technology students work on a commissioned study under supervision of TILT senior staff and the project commissioner.

TILT Clinic with Privacy International
(March 2017- April 2017)

Privacy International is a non-profit, nongovernmental organization based in London dedicated to defending the right to privacy around the world. Established in 1990, Privacy International undertakes research and investigations into state and corporate surveillance with a focus on the technologies that enable these practices. It has litigated or intervened in cases implicating the right to privacy in the courts of the United States, the United Kingdom (“UK”), and Europe, including the European Court of Human Rights (“ECHR”) and the Court of Justice of the European Union. To ensure universal respect for the right to privacy, Privacy International advocates for strong national, regional and international laws that protect this right. It also strengthens the capacity of partner organizations in developing countries to do the same.

As part of their work into state surveillance, Privacy International has focused on the issue of government hacking and teamed up with TILT for a TILT Clinic on this topic.

Privacy International was in the process of formalizing the hacking recommendations and presenting them as a vehicle for advocacy. As part of this process, we selected several case study countries and analyzed their hacking law and practice. It was undertaken a fairly exhaustive analysis of the relevant law and practice in the UK, but sought a better understanding of government hacking for surveillance in several other European Countries. The TILT clinic produced a memo considering this issue in three countries: Germany, Italy and the Netherlands.

Legally, the memo seeks to explain the current legal landscape – e.g., relevant laws, regulations, policies and jurisprudence – governing hacking. The legal analysis takes also into account any ongoing developments in the legal landscape, such as draft legislation that is currently pending.

TILT Clinic Mirror Room – We are data
(May-June 2017)

The Law and Technology Master students involved in the Clinic were asked to carry out a legal assessment of the compliance of the WE ARE DATA – Mirror Room project with the applicable regulation, alongside with ethical standards. The legal assessment determined such compatibility also considering the relevant provisions of the General Data Protection Regulation. The outcomes of the assessment were presented at TILT. Also some students were available at the premises of the Mirror Room during the TIL Ting Perspectives Conference 2017 (May 17-19) to host visitors and give them explanations about the Mirror Room privacy policy.
2.3 TILT Clinics

TILT-Brinkhof Clinic
(July 2017)

The upcoming General Data Protection Regulation imposes, as opposed to the Data Protection Directive, many obligations for ‘processors’ (as defined in Art. 4 (8) GDPR), such as providers of IT-services. If processors do not meet such obligations, this is sanctioned in the GDPR with very high fines (i.e. fines up to EUR 20.000.000 or 4 % of the total worldwide annual turnover of the undertaking). Under the Directive obligations and sanctions were mainly directed towards ‘controllers’ (as defined in Art. 4(7) GDPR). The changes towards more responsibility for processors will have consequences for obligations and liabilities of such processors. This might create the need for them to adapt existing clauses in general terms and conditions and data processing agreements regarding obligations and liabilities in relation to privacy and data protection in order to mitigate their exposure.

TILT Clinic in cooperation with Higher School of Economics (HSE) of Moscow
(July 2017)

The pending case Vladimir Vladimirovich Kharitonov v. Russia is considered of utter importance for the future of the information society and the place for freedom of expression in it. This is the reason why a law clinic was set up to intervene as Amicus Curiae in this case. It is important that the European Court of Human Rights receives a full picture of the problem before it would make its important decision that, without doubt, will set a human rights standard for the freedom of expression online.

The aim of the clinic was to aid the Court through a third party submission in several ways. As friends of the Court, the clinic’s participants offered a brief comparative research of “balancing of interests” involved in the blocking of hosting services cases touching upon the issues of freedom of expression, taking into consideration not only the ECHR jurisprudence in similar cases (see, e.g., Ahmet Yıldırım v. Turkey (no. 3111/10, ECHR 2012), but also other relevant international material (see, e.g., the UN Joint declaration on freedom of expression and the Internet of June 1st, 2011). Second, the participants suggested possible human rights limits against the indiscriminate blocking of access to a website that only contains lawful contents, in the context of Art. 10 of the European Convention of Human Rights.

The clinic was a collaboration between selected students from the Master in Law and Technology of Tilburg University and the Higher School of Economics of Moscow.

TILT-TU Delft & Tideway Clinic
(September-October 2017)

Augmented Reality (AR) is a novel technology defined as the expansion of physical reality by adding layers of computer-generated information to the real environment. These layers can be added in various ways. Virtual Reality (VR) is not the same as AR. VR submerges the user completely into a virtual environment by closing him / her off completely from physical reality. AR is like sun glasses; the user still sees his / her environment, but this environment is enriched with digital layers. Both VR and AR technologies are growing rapidly, but AR is expected to take over VR’s market share soon.

The TILT clinic focused on one of the research questions in a joint research with Delft University of Technology and Tideway Offshore Solutions. The objective of this joint research was to assess the added value of using AR during subsea construction activities. This was done by developing a real-time model with an AR user interface, which eventually will be used by multiple people onboard an offshore construction vessel. Subsea construction experts from the field have a main concern regarding this technology. This concern was analyzed in the TILT clinic and described in an assignment.

Tilburg University students worked on this topic 4 weeks 2 days a week in September-October of September 11, 2017.
TILT Clinic: Intervention in Flavus case to support safeguards against over-blocking
(November 2017-January 2018)

Three students of Tilburg University, under auspices of TILT lecturers, prepared a third-party intervention before the European Court of Human Rights in the OOO Flavus against Russia and 4 other applications. The decision of the Court will set important limits for the safeguards against state over-blocking online.

The intervention suggested that the Court recognizes that states are not completely at liberty to design blocking schemes and that each delegation of enforcement has to be accompanied by a number of due process and remedial safeguards. Also, the legal framework shall respect the quality of law when a blocking order is issued and emphasizes that any blocking provision should be clearly prescribed by law.

Moreover, the intervention reiterated that states should not absolve itself of an obligation to provide for an effective remedy against over-blocking by simply delegating the implementation of its measures to private parties. Finally, the owner of the blocked content should have right to have access to the court, procedural equality of arms and efficient legal remedies available.

The brief addresses due process requirements and the availability of effective safeguards against collateral over blocking.
TILT is funded through a mix of internal funds provided by the Tilburg Law School (32%), as well as external funds (68%). Large international projects are funded by the European Commission (EU) and by the Netherlands Organization for Scientific Research (NWO), public authorities and private firms.

**European Commission (EU) Funded projects:**

2017 was an exceptional year for TILT with regards to the European Research Grants. Nadezhda Purtova could officially start her ERC funded project Understanding information for legal protection of people against information-induced harms (INFO-LEG) which was funded in 2016 and in September 2017 Linnet Taylor won an ERC starting grant for her project A framework for Data Justice on the global level.

During 2017, TILT conducted two studies commissioned by the European Commission study on anti-doping in sport and data protection led by Ronald Leenes and study on certification ex art. 42/43 GDPR led by Ronald Leenes, under the framework contract N° JUST/2014/DATA/FW/0038.

TILT was part of a consortium for the Horizon 2020 project MicroMole: Sewage monitoring system for tracking synthetic drug laboratories.

**Netherlands Organization for Scientific Research (NWO) funded projects:**

- VENI grant – Eleni Kosta Back to the typewriters? - Rethinking informational self-determination in the era of mass state surveillance
- VICI grant – Bert Jaap Koops Privacy Protection in the 21st Century
- BotLeg project – Bert Jaap Koops: project on the legal boundaries of public-private actions against botnets

**Contract research:**

- Government of the Netherlands, Ministry of Justice, Security and defense – Bert Jaap Koops: Rechterlijke toetsing van Big Data-toepassingen
- Government of the Netherlands, Ministry of Justice, Security and defense – Maurice Schellekens: Block chain en de wet
- Government of the Netherlands, Ministry of the Interior and Kingdom Relations – Linnet Taylor: Public Sector Data Ethics: From principles to practice
- SIDN - Domjur project – Maurice Schellekens builds and maintains the largest online database of case law about domain name disputes concerning .nl domain names and about responsibility of internet intermediaries.
4 Events
4.1 TILTING 2017: REGULATING A CONNECTED WORLD

Technology is transforming society on many fronts. In recent years, we have seen the rise of social media and the sharing economy, a sustained move from atoms to bits, and the rapid development of cloud computing, big data, smart devices, and robotics. Along with these developments we see a continuous stream of new legal and regulatory issues. For every problem solved, two new problems seem to surface.

When looking at current phenomena, it is particularly notable that everything seems to be connected. Individuals are being connected through networks and data flows from and through connected devices; the field of Data Science seems to revolve around connecting the dots between various bits of data and between data and persons. Disciplines and regulatory domains are also increasingly connected: contemporary issues require involvement from legal scholars, regulation and governance scholars, and social scientists, who must work together, but who also occasionally clash. Similarly, different domains of law become intertwined, such as public law and private law or data protection and intellectual property, but do not always coexist harmoniously. Regulation is no longer the prerogative of sovereign states; rather, complex interconnected multi-level governance arrangements are at play.

Conference theme

These developments and transformations gave good reason to adopt ‘Regulating a connected world’ as the theme for the 5th Bi-annual TILting Perspectives conference on the intersection of law, technology, and society. While recent TILting conferences had a specific focus, ‘robotics and neurotechnologies’ in 2011, ‘health and surveillance’ in 2015, the 2017 conference opened the floor to an entire spectrum of topics and disciplines under the broad umbrella of law, technology and society.

The conference

TILting 2017 brought together researchers, practitioners, policy makers, and civil society at the intersection of law and regulation, technology, and society to share insights, exchange ideas and formulate, discuss and suggest answers to contemporary challenges related to technological innovation. The conference included plenary sessions, parallel sessions, and panel discussions with invited speakers, as well as presentations from respondents to this call for papers.

The conference featured five large tracks: Privacy, Health, Intellectual property, Data Science, and PLSC Europe. But within the context of these general tracks, we adopted an open and bottom-up organizational strategy: it was up to the participants to determine what happened at the conference and how. With that in mind, we invited scholars, practitioners, policy makers, and others, to propose papers, workshops, panels, mini-symposia and the like, both within and in addition to the large tracks.

GikII Workshop

TILting 2017 contained a ‘GikII’ inspired event on Friday. GikII brings together the worlds of law, technology and popular culture in less than formal amusements.

Mirror Room

During the conference, people were able to visit the ‘Mirror Room’. When entering the ‘We are data Mirror room’, one stepped into a magical area; experiencing fun and exciting things; but it is also a smart area, where visitors are watched and monitored without them knowing. The ‘We are data Mirror room’ examined how far technology might enter into ones private domain. ‘We are data’ is aimed at finding out how deep technology can penetrate private life for you to still feel comfortable. When does it become intimidating and when does it cross a line? In the ‘Mirror Room’, people experienced what it is like to become data.
Other events organized by TILT in 2017 can be found in appendix 3.
1.1 research

employment

5. Employment

employees
5. employees & guests

(fully or partially working in 2017)

Academic staff
- Samantha Adams
- Emre Bayramioglu
- Anna Berti Suman
- Tom Chokrevski
- Silvia De Conca
- Colette Cuypers
- Tommaso Crepax
- Lorenzo Dalla Corte
- Sebastian Dengler
- Karine E Silva
- Massa Galic
- Raphael Gellert
- Inge Graef
- Paul de Hert
- Martin Husovec
- Shazade Jameson
- Irene Kamara
- Bert-Jaap Koops
- Eleni Kosta
- Jingze Li
- Lokke Moerel
- Bryce Newell
- Mara Paun
- Robin Pierce
- Corien Prins
- Nadezhda Purtova
- Claudia Quelle
- Leonie Reins
- Sabrina Röttger-Wirtz
- Maurice Schellekens
- Sascha van Schendel
- Hosna Sheikhattar
- Ivan Skorvanek
- Bart van der Sloot
- Kees Stuurman
- Linnet Taylor
- Tjerk Timan
- Anton Vedder
- John Watson
- Lulu Wei
- Bo Zhao

TILT Fellowships
- Janet Chan (University of New South Wales, Sydney, Australia)
- Jorge Contreras (University of Utah, U.S.) in cooperation with the Tilburg Law and Economics Center (TILEC)
- John Golden (University of Texas, U.S.) in cooperation with the Tilburg Law and Economics Center (TILEC)
- Gary Marx (Massachusetts Institute of Technology, U.S.)
- Gregor Urbas (University of Canberra, Australia)

Research visitors
- Maria da Graça Canto Moniz (New University of Lisbon, Portugal)

Visiting Scholar
- Monika Hanych (Faculty of Law, Masaryk University, Czech Republic)

EMJD Students
- Desara Dushi
- Izarne Marko Goikoetxea
- Yukai Wang

Guest Lectures
- Tineke Egyedi (Delft Institute for Research on Standardization, Delft)
- Hans Graux (Time.lex, Law Offices, Brussels, Belgium)
- Walter van Holst (PBQL, The Hague)
- Louis Jonker (Van Doorne, Amsterdam)
- Peter van Schelven (Cordemeyer & Slager Advocaten / Advocaten, Haarlem)
- Frank Vogt (Koninklijke Wegener, Apeldoorn)
- David Wall (Centre for Criminal Justice Studies, School of Law, University of Leeds, U.K.)
- Reinoud Westerdijk (Kennedy Van der Laan, Amsterdam)
- Mark Wijnhoven (Philips, Eindhoven)
- Alex van der Wolk (Morrison and Foerster, Brussels, Belgium)
1.1 Research tilt staff

Research associates
- Angela Daly (Queensland University of Technology, Australia)
- Heleen Janssen (Ministry of the Interior and Kingdom Relations, The Hague)
- Eric Lachaud (Tilburg University, Tilburg)
- Federica Lucivero (King’s College London, U.K.)
- Stefania Milan (University of Amsterdam, Amsterdam)
- Dmitrii Trubnikov (Russia)
- Eric Verhelst (Advocatenkantoor Verhelst, Markelo)
- Nicolo Zingales (Sussex Law School, University of Sussex, U.K.)

External PhD candidates
- Hans Buitelaar
- Theo Hooghiemstra
- Paulan Korenhof
- Eric Lachaud
- Dusan Pavlovic
- Manuella van der Put
- Arnout Terpstra
- Clemens Willemsen

Interns
- Magda Brewczynska
- Peter Manolakev
- Ruben Greidanus

Director
- Ronald Leenes

Support staff
- Leonie de Jong, General Manager
- Femke Abousalama, PA to Ronald Leenes, Secretary
- Ghislaine van den Maagdenberg, Secretary

Student assistants
- Magda Brewczynska
- Dane Carlson
- Anne Marie Elsman
- Mirell Piir

Support staff TILT
## APPENDIX 1 –MEMBERS PER 31 DECEMBER 2017

### Senior

<table>
<thead>
<tr>
<th>Senior members</th>
<th>P &amp; DP</th>
<th>DS</th>
<th>H</th>
<th>CS</th>
<th>R &amp; AI</th>
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<tr>
<td>Colette Cuijpers</td>
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<tr>
<td>Sebastian Dengler</td>
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<td>Raphael Gelfert</td>
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<td>Inge Graef</td>
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<td>Martin Husovec</td>
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<tr>
<td>Bert-Jaap Koops</td>
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<tr>
<td>Eleonore Kosta</td>
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<tr>
<td>Ronald Leenes</td>
<td>Full Professor, Director TILT</td>
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<td>Robin Pierce</td>
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<td>Sabrina Röttger-Wirtz</td>
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P & DP: Privacy and Data Protection  
DS: Data Science  
H: Health  
CS: Cyber Security  
R & AI: Robotics and Artificial Intelligence  
IP: Intellectual Property
## Junior Members

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APPENDIX 2 - PUBLICATIONS

Academic publications - Journal articles (English)

Berti Suman, A.


Conca, S. de

Dalla Corte, L. & Cuijpers, C.

E Silva, K.K.

Galič, M., Timan, T. & Koops, B.J.

Gellert, R.M.R.

Hert, P. De


Husovec, M.
Husovec, M., Dongen, L., ‘Website Blocking, Injunctions and Beyond: View on the Harmonization from the Netherlands’ 7 GRUR International


Kamara, I.
Kamara, I., “Co-regulation in EU personal data protection: The case of technical standards and the privacy by design standardisation ‘mandate’”. European Journal of Law and Technology. 8(1).
Kamara, I., Kosta, E., Do Not Track initiatives: myths and reality around the lost user control, International Data Protection Law, 2017 6: 276-290


Kosta, E., Consent of minors to their online personal data processing in the EU: following in US footsteps? Information and Communications Technology Law, 26(2): 146-197


Kosta, E., Macenaite, M., Consent of minors to their online personal data processing in the EU: following in US footsteps? Information and Communications Technology Law, 26(2): 146-197


Kosta, E., Macenaite, M., Consent of minors to their online personal data processing in the EU: following in US footsteps? Information and Communications Technology Law, 26(2): 146-197


Kamara, I., Kosta, E., Do Not Track initiatives: myths and reality around the lost user control, International Data Protection Law, 2017 6: 276-290


Kosta, E., Macenaite, M., Consent of minors to their online personal data processing in the EU: following in US footsteps? Information and Communications Technology Law, 26(2): 146-197


Moerel, L., BDO Scope magazine. We can only solve the problem with coordinated action: Two-factor authentication is a must.


Academic publications – Book chapters (English)

Cuijpers, C.


Hert, P. de


Purtova, N. Purtova, N., “Health Data for Common Good: Defining the Boundaries and Social Dilemmas of Data Commons” in Under Observation: The Interplay Between eHealth and Surveillance, S. Adams, N. Purtova, R. Leenes (eds.) (Springer International Publishing)
Stuurman, C.

Timan, T., Galić, M. & Koops, B.J.

Zhao, B.


Academic publications – Monographs and edited books (English)

Adams, S., Purkova, N., Leenes, R.
Adams, S., N. Purkova, R. Leenes (eds.) Under Observation: The Interplay Between eHealth and Surveillance (Springer International Publishing)

Dengler, S.
Dengler, S., Economic essays on privacy, big data, and climate change. Tilburg: CentER, Center for Economic Research.

Gellert, R.M.R.
Gellert, R.M.R., Understanding the risk based approach to data protection: An analysis of the links between law, regulation, and risk.

Hert, P. de

Husovec, M.

Kosta, E.

Leenes, R.E. & Hert, P. de


Prins, C. & Cuijpers, C.

Reins, L.

Röttger-Wirtz, S.
**Academic publications – Others (English)**

**Adams, S. & Purtova, N.**
Adams, S. and Purtova, N. Introducing the Special Issue “Rethinking Surveillance: theories, discourses, structures and practices”, in Philosophy and Technology, 30(1)

**Conca, S. de**

**Gellert, R.M.R.**


**Hert, P. de**


**Kamara, I.**
Kamara, I., “The Court of Justice of the EU: What role to expect after the General Data Protection Regulation?”. Psychogiopoulou, Evangelia (editors). European courts, new technologies and fundamental rights. ELIAMEP. 16-18. [conference abstract]

**Li, J.**
Li, J., Intellectual property licensing tensions in incorporating open source into formal standard setting context — The case of Apache V.2 in ETSI as a start, ITU Kaleidoscope: Challenges for a Data-Driven Society (ITU K). (pp. 39-46).

**Moerel, L.**

**Pierce, R., Conca, S. de & Groot, A. de**

**Quelle, C.**
Quelle, C., ‘Not Just User Control in the General Data Protection Regulation’ in A. Lehmann et al (eds), Privacy and Identity Management Facing up to Next Steps, IFIP AICT 498.

**Sloot, B. van der**
Sloot, B. van der, ‘Ten questions about balancing‘, European Data Protection Law Review.
Zhao, B.

Professional publications – Reports (English)

Cuijpers, C. & Leenes, R.E.
Cuijpers, C., and R.E. Leenes, Digitale empowerment van de demos: Een onderzoek naar aansprekende e-democracy innovaties. Dan Haag: Ministerie van BZK.

Gellert, R.

Graef, I.

Kamara, I.
Burnik, J., I. Kamara “Recommendations on European data protection certification” 1 ed. Athens: ENISA.

Leenes, R.E., Schendel, S. van & Taylor, Linnet
Leenes, R.E., S. van Schendel and L. Taylor, Public Sector Data Ethics: from principles to practice, Ministry of The Interior and Kingdom Relations of The Netherlands (BZK).

Reins, L.
Reins L. Residential Prosumers in the European Energy Union - Mapping the legal and regulatory framework in Germany, 21 pp: Milieu Ltd..

Sloot, B. van der, Paun, M.A & Leenes, R.E.

Taylor, L., Leenes, R.E. & Schendel, S. van
Taylor, L., R.E. Leenes, S. van Schendel Public Sector Data Ethics: from principles to practice, Ministry of The Interior and Kingdom Relations of The Netherlands (BZK).

Professional publications – Other (English)

E Silva, K. K.
E Silva, K.K., A silver path: ideas for improving lawful sharing of cybercrime evidence with law enforcement Botconf 2017 Proceedings, Journal on Cybercrime & Digital Investigations (CybIN)

Husovec, Martin

Kamara, I.
Kamara, I., "Exam scripts are personal data according to AG Kokott: Case C-434/16 Peter Nowak v Data Protection Commissioner". European Data Protection Law Review. 3(3). 402.

Reins, L.

Röttger-Wirtz, S.


Sloot, B. van der


Sloot, B. van der, ‘Privacy as virtue’, NJB.

Blog Publications (English)

Berti Suman, A.


Conca, S. de

Sloot, B. van der
Sloot, B. van der, ‘Big Data staat op gespannen voet met het recht op privacy’, AOG School of Management.

Sloot, B. van der, ‘Waarom privacy belangrijk is’, ECP.

Academic publications – Journal articles (non-English)

Berti Suman, A.
Berti Suman A., “El uso de drones para informar decisiones políticas sobre la calidad del agua”, número 46, Carta Circular de Recursos Hídricos. CEPAL/UN: Santiago de Chile.

Cuijpers, C.

Sloot, B. van der, Paun, M.A., & Leenes, R.E
Sloot, B. van der, Paun, M.A., & Leenes, R.E. De Wet uitvoering antidopingbeleid: De gespannen relatie tussen anti-dopingmaatregelen en gegevensbescherming, deel 1: de anti-doping wereld. Privacy & Informatie, 2017-1

Sloot, B. van der, Paun, M.A., & Leenes, R.E. De Wet uitvoering antidopingbeleid: De gespannen relatie tussen anti-dopingmaatregelen en gegevensbescherming, deel 2. Privacy & Informatie, 2017-3
Sloot, B. van der, Paun, M.A., & Leenes, R.E. De Wet uitvoering antidopingbeleid: De gespannen relatie tussen anti-dopingmaatregelen en gegevensbescherming, deel 3. Privacy & Informatie

Sloot, B. van der, Paun, M.A., & Leenes, R.E. De rechtspositie van een atleet: Gaat het gevecht voor een schone sport ten koste van het recht op een eerlijk proces? 39 NJB 2868

Sloot, B. van der
Sloot, B. van der, ‘De bevoegdheid van de politie om computers binnen te treden: tijd voor een grondrecht op de bescherming van informatietechnische systemen?’, Tijdschrift voor Bijzonder Strafrecht & Handhaving, 2017-4.


Lanzing, M., & B. van der Sloot, ‘Living Labs: de stad als proeftuin en de burger als proefkonijn’, NJB.

Academic publications – Book chapters (non-English)
Hert, P. De

Academic publications – Others (non-English)
Hert, P. De

Prins, J.E.J., & Moerel, E.M.L.

Professional publications – Chapters (non-English)
Hert, P. De


Professional publications – Other (non-English)
Prins, J.E.J.
Prins, J.E.J., Schadelijke beestjes, Nederlands Juristenblad, 92 (8), 507

Prins, J.E.J., Cybersecurity en Zorgplichten, Nederlands Juristenblad, 92 (16), 1085

Prins, J.E.J., Betaalgegevens en online marktmacht, Nederlands Juristenblad, 92 (25), 1338

Prins, J.E.J., Vechten met digitale informatie, Nederlands Juristenblad, 92 (30), 2147
APPENDIX 3 - ACTIVITIES 2017

TILT seminars

TILT invites people working in the domain of law, technology, and society to give guest seminars on a regular basis.

24 January 2017
Dr. Angela Daly, Vice Chancellor’s Research Fellow in QUT’s Faculty of Law / and a research associate in the Tilburg Institute for Law, Technology and Society
“Private Power Online: how does EU law fare?”

14 February 2017
Daphne Keller, Director of Intermediary Liability at the Stanford Center for Internet and Society
“Unintended Consequences: The General Data Protection Regulation, Intermediary Liability, and Information Rights”

14 March 2017
Prof. Mark Patterson, Professor of Law at Fordham University School of Law
“The Application of Competition Law to Information Goods”

30 May 2017
Dr. Gregor Urbas, Associate Professor of Law at the University of Canberra
“Public Surveillance, Private Surveillance And Automated Covert Evidence-Gathering”

27 May 2017
Damian Clifford, Doctoral researcher funded by Fonds Wetenschappelijk Onderzoek – Vlaanderen (FWO) at the KU Leuven Centre for IT and IP law (CiTiP)
“Following The Data And Consumer Protection Crumbs Towards More Aligned Protection?”

27 May 2017
Dr. Lennon Chang, Lecturer in Criminology in the School of Social Sciences at Monash University, Australia / an associate investigator at the Australian Research Council Centre of Excellence in Policing and Security at the Australian National University / and a member of the International

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Blog Publications (non-English)


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APPENDIX 2

Prins, J.E.J., Politiek profileren, Nederlands Juristenblad, 92 (38) 2799

Sloot, B. van der
Sloot, B. van der, ‘Passenger Name Record’, European Human Rights Cases.


Cybercrime Research Centre at Simon Fraser University / Vice-chairman of the Asia Pacific Association of Technology and Society which he co-founded in 2014
“Co-Production of Cyber Security”

14 September 2017
Tim Falkiner, Retired lawyer and town planner from Melbourne, Australia.

26 September 2017
Prof. Dr. Eleni Kosta, Full Professor of Technology Law and Human Rights at the Tilburg Institute for Law, Technology and Society (TILT, Tilburg University, the Netherlands)
“Guidelines for ethical assessment of EU projects”

11 October 2017
Dr. Nicola Zingales, Lecturer at Sussex Law School, where he teaches antitrust, IP and data protection law / also affiliated researcher to TILT, TILEC and the Stanford Center for Internet and Society
“The rise of infomediaries and the marketization of data protection enforcement”

24 October 2017
Prof. Dr. David Wall, Professor of Criminology in the Centre for Criminal Justice studies, School of Law, University of Leeds, UK
“Conceptualising Cybercriminals Today”

2 November 2017
Dr. Alex Ingrams, Assistant professor in the School of Governance at Tilburg University
“Governance tensions and big data: A framework for public values”

21 November 2017
Dr. Aline Reichow, Post Doc researcher at the German Federal Institute for Occupational Safety and Health (BAuA), in the Division Hazardous Substances and Biological Agents
“Co-Regulation of Chemicals: Governance Networks to Keep Pace with Technological innovation”
Mailing address:
TILT
Tilburg Institute for Law, Technology, and Society
P.O. Box 90153
5000 LE Tilburg
The Netherlands
Phone: +31-13 466 8199
E-mail: TILT@tilburguniversity.edu
Website: www.tilburguniversity.edu/tilt

Visiting address:
Prof. Cobbenhagenlaan 221
Montesquieu Building
Room M721 (seventh floor)
5037 DE Tilburg
The Netherlands