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Report on the International Scientific Conference on “The Right to Privacy in the Digital Age – in Specific Terms” held by the Central European Professors’ Network on the 1 December 2022 in Budapest, Hungary

Sprawozdanie z Międzynarodowej Konferencji Naukowej pt. „Prawo do prywatności w erze cyfrowej – w określonych warunkach” zorganizowanej przez Central European Professors’ Network 1.12.2022 r. w Budapeszcie, Węgry

Abstract

On 1 December 2022, an international conference titled “The right to privacy in the digital age – in specific terms” was held at the Hungarian Academy of Sciences. The conference marked the completion of a year-long collaboration between several researchers from seven Central European countries (namely: Croatia, the Czech Republic, Hungary, Poland, Serbia, Slovakia, and Slovenia), who had been working under the guidance of Marcin Wielec to conduct research on the subject of the right to privacy in the digital age with an emphasis on specific terms. The book titled “The Right to Privacy in the Digital Age. Perspective of Analysis on Certain Central European Countries” is one of the above-mentioned research’s most important results. Other results of the research group’s significant work include an international conference, and various scholarly publications, as well as dissemination events. The research group on the right to privacy is one of the five research teams presently operating under the guidance of the Central European Professors’ Network. This contribution summarizes the conference presentations and the work of the research group.

Keywords: *Central European Academy, right to privacy, digital age, children’s rights*

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Streszczenie

W dniu 1.12.2022 r. w Węgierskiej Akademii Nauk odbyła się międzynarodowa konferencja zatytułowana „The right to privacy in the digital age – in specific terms” („Prawo do prywatności w erze cyfrowej – w określonych warunkach”). Konferencja stanowiła uwieńczenie rocznej współpracy badaczy z siedmiu krajów Europy Środkowej (tj. Chorwacji, Czech, Węgier, Polski, Serbii, Słowacji i Słowenii), którzy pod kierunkiem Marcina Wielca prowadzili badania na temat prawa do prywatności w epoce cyfrowej, zwracając szczególną uwagę na określone pojęcia. Książka „The Right to Privacy in the Digital Age. Perspective of Analysis on Certain Central European Countries” („Prawo do prywatności w epoce cyfrowej. Perspektywa analizy niektórych krajów Europy Środkowej”) to jeden z najważniejszych owoców wspomnianych badań. Do innych efektów pracy grupy badawczej należą międzynarodowa konferencja i różne publikacje naukowe, a także wydarzenia upowszechniające ten temat. Grupa, której przedmiotem badań jest prawo do prywatności, stanowi jeden z pięciu zespołów badawczych działających obecnie pod kierunkiem Central European Professors’ Network. Niniejsze sprawozdanie podsumowuje prezentacje konferencyjne i prace grupy badawczej.

Słowa kluczowe: Akademia Środkowoeuropejska, prawo do prywatności, era cyfrowa, prawa dziecka

1. Introduction

The right to privacy can be defined as a crucial aspect of human existence. However, as more and more data is digitized and further information is shared online, this topic is becoming increasingly important. To shine a light on this significant issue, an international scientific conference on the topic “The right to privacy in the digital age – in specific terms” was organized by the Central European Academy in Budapest and the Central European Professors’ Network in cooperation with the Institute of Justice in Warsaw on the 1 December 2022 at the Hungarian Academy of Sciences. The partners of this conference also include the Ferenc Mádl Institute of Comparative Law, the Central-European Association for Comparative Law, the Hungarian Association for Comparative Law, the Slovak Association for Comparative Law, the Scientific Association for Comparative Law Poland, the Association for the Advancement of Comparative Law Researches in Serbia, the Romanian Association for Comparative Law and the University of Opole.

This conference also served as an introduction to the research group on the right to privacy (“Right to Privacy”) and its notable work in this field, consisting of comparative analysis on the named subject in seven Central European countries, namely the Czech Republic, Croatia, Hungary, Poland, Serbia, Slovakia, and Slovenia. The research group is led by Marcin Wielec (Poland). It consists of eight other recognized professionals from the countries mentioned above: Marta Dragičević Prtenjača from the University of Zagreb (Croatia), Vanja-Ivan Savić from the University of Zagreb (Croatia), David Sehnálek from the Masaryk University in Brno (Czech Republic), András Koltay from the University of Public Service in Budapest (Hungary), Bartłomiej Oręziak from the Cardinal Wyszyński University in Warsaw and the Institute of Justice in Warsaw (Poland), Dušan Popović from the University of Belgrade in Belgrade (Serbia), Katarína Šmigová from the Pan-European University in Bratislava (Slovakia) and Matija Damjan from the University of Ljubljana in Ljubljana (Slovenia). Another critical purpose of this conference was to introduce us to the international monograph compiled by this research team of distinguished scholars, that the Central European Academy Publishing will publish in cooperation with the Ferenc Mádl Institute of Comparative Law under the title “The Right to Privacy in the Digital Age”. It will contain nine chapters dealing with the significant issue of the right to privacy in the digital era.

2. The course of the conference

The conference was organized into an opening panel and three sections. The opening panel, presided and moderated by János Ede Szilágyi, was to open the conference and present the prosperous work of the Central European Academy to the audience. During this panel, the audience was also introduced to the new book completed by the recognized professionals of the research group on the right to privacy.

Thanks to the presentation of Tímea Barzó (University of Miskolc Central European Academy, Hungary), we got an insight into the work and achievements of the Central

European Academy. The Central European Academy was established on 1 January 2022. Its work includes managing large-scale research and training projects in Central European countries dedicated to legal professionals and young researchers. The projects coordinated by the Central European Academy focus on four primary areas. Firstly, the Central European Professors' Network focuses on creating and supporting a largely acknowledged expert network involving Central European countries. Currently, 47 researchers from seven countries (Croatia, the Czech Republic, Hungary, Poland, Serbia, Slovakia, and Slovenia) cooperate in this network. As of 2022, the Central European Professors' Network consists of five research groups: 1. Constitutional protection of national symbols; 2. Right to privacy; 3. Content of the right to parental responsibility; 4. Constitutional framework for the protection of future generations and the environment; 5. Constitutional Identity and Relations between the EU Law and the Domestic Law of Member States. The Central European Academy provides a platform for cooperation not only for senior researchers but also for junior researchers through the Central European Junior Programme. The work of the Central European Academy also includes publishing scholarly books, journals, and articles in English, as well as organizing high-profile conferences, webinars, and other events.

In the second presentation of this panel, Marcin Wielec (Cardinal Wyszyński University in Warsaw, Institute of Justice Warsaw, Poland) introduced the audience to the members and the research group's work. Thanks to his presentation, we got an insight into the process of cooperation between the professionals of the research group "Right to Privacy". The fruit of the collaboration is a monograph titled "The Right to Privacy in the Digital Age. Perspective of Analysis on Certain Central European Countries", containing nine chapters written by the researchers. The research group was also successful in other areas, as it has prepared nine articles yet to be published and organized 18 dissemination events and held two international scientific conferences.

The third presentation of the panel was by Paweł Sobczyk, and it was an introduction to the book titled "The Right to Privacy in the Digital Age. Perspective of Analysis on Certain Central European Countries". The book will soon be published thanks to the cooperation between the Central European Academic Publishing and the Ferenc Mádl Institute of Comparative Law in Hungary. Professor Sobczyk thanked the conference organizers and the cooperating team for their fruitful work.

The opening panel was followed by Section 1, presided and moderated by János Ede Szilágyi. In this panel, we could hear out three exciting presentations.

Firstly, "Protection of the Child's Privacy in Croatia from a Criminal Law Perspective" was presented to the audience by Marta Dragičević Prtenjača (University of Zagreb, Croatia). Professor Dragičević Prtenjača let us understand how the right of children's privacy is regulated in Croatia's legislation and how prosperous this country is in implementing The United Nations Convention on the Rights of the Child (1989). The Professor stressed that even though, in many cases, children express their opinion about their parents posting them on social media, the parents often do

not consider their sentiments. According to the Professor, Croatia has reasonable regulations for protecting the child's privacy, but it is poorly implemented. The ultimate resolution would be if parents considered their children's best interest, although defining the "best interest" exactly is complex and depends on individual situations.

The second presentation of this panel was carried out by David Sehnálek (Vice-dean at the Faculty of Law of Masaryk University in Brno, the Czech Republic). The interesting title "Sharenting from the Perspective of the Right to Privacy" (Kids, be careful what your parents do on the Internet) uncovered a thought-provoking presentation. Professor Sehnálek explained what sharenting (a portmanteau of the words "sharing" and "parenting") means. Sharenting is sharing information about one's children online, which can have dangerous consequences, such as bullying. The Czech Republic does not have a children's ombudsman, and civil and family law regulations protect children's rights. According to the Professor, there are two justifications for "sharenting". Firstly, it can directly benefit the child (for example, children can get motivated if their achievements are broadcasted); secondly, parents can benefit from it, so their children indirectly benefit from it.

The last presentation of this panel was by Marcin Wielec (Cardinal Wyszyński University in Warsaw, Institute of Justice Warsaw, Poland) on the topic "The Dilemma of a Positive Invention Regarding the Foundations of the Right to Privacy". Professor Wielec introduced us to the Polish legislation on this critical issue, shining light on the structural problem of the right to privacy, as its heterogeneity leads to diversity in use and protection in the public and private law field. The Professor also shared his thoughts on the relationship between the right to privacy and positive invention. This relationship raises a dilemma, where the creation of anything determines the benefits and risks.

The second section of the conference was presided and moderated by Katarzyna Zombory (the University of Miskolc, Central European Academy, Hungary) and consisted of three presentations.

The first presentation, "The Protection of Privacy in the Hungarian Legal System, with Special Regard to Freedom of Expression" by András Koltay (University of Public Service, Hungary). In the first part of his presentation, Professor Koltay focused on the case law of the European Court of Human Rights, especially the case *von Hannover v. Germany*, which concerned the issue of child protection. The Professor further elaborated on the subject of the right to privacy in the public sphere compared to the right to privacy at home. He concluded that under certain circumstances, people have the right to privacy in public places and places open to the public, as privacy is not linked to a physical location, although it can be relevant. According to Professor Koltay, some perceptions suggest that activities at home are protected, but actions in the street are not. At the same time, there are activities carried out at home that are not considered part of private life, such as a discussion related to public affairs at the dinner table. He later stressed that the privacy claim might not be as vital in public places as it is at home, which comes from the nature of the public sphere.

In the following presentation, “Range of the Right to Privacy in the light of selected Polish Constitutional Court Cases”, Bartłomiej Oręziak (Cardinal Wyszyński University in Warsaw, Institute of Justice, Warsaw, Poland) provided us with an insight into the case law of the Polish Constitutional Court. The basis for the legislation on the right to privacy lies in Article 47, Article 48, Article 49, and Article 51 of the Constitution of the Republic of Poland. The right to privacy is constitutional, but it is not absolute – it can be limited. Through some selected, interesting cases, the Presenter explained how Polish courts interpret the right to privacy.

The last presentation of Section 2, titled “The Role of Data Protection Authorities (DPAs) in digital privacy protection: Serbian experience”, was brought to the audience by Dušan Popović (University of Belgrade, Serbia). In his interesting presentation, Professor Popović gave an overview of the historical background of the current legislation regarding the right to privacy. As the Professor mentioned, the first international text, including a necessity for independent Data Protection Authorities, was the non-binding resolution of the United Nations General Assembly in 1991. Furthermore, he drew attention to the fact that Serbia as a member of the Council of Europe, has ratified two documents dealing with the right to privacy, namely the Convention for the Protection of Individuals about Automatic Processing of Personal Data (ETS No. 108), and also the Additional Protocol to the Convention for the Protection of Individuals about Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows. Later, Professor Popović concluded that the procedure before the Serbian data protection authority represents an efficient mechanism for terminating offline and online breaches of data protection rules.

The third and last section of the conference was presided and moderated by János Ede Szilágyi. This section consisted of three presentations.

Firstly, Katarína Šmigová (Dean of the Pan-European University in Bratislava, Slovakia) presented the topic “Right to Privacy and Freedom of Speech in Digital Era in relation to Public Figures”. Professor Šmigová stated that individuals’ personal autonomy and identity deserve protection from the state (outside interference). The Professor also introduced us to numerous interesting cases from the European Court of Human Rights and provided us with a Slovak case study about a case involving the Slovak Republic president and a Slovak National Council member. Furthermore, Professor Šmigová stated that to decide if an expression is a breach of privacy, we must study four (six) main aspects: what was said about who by whom (sometimes when and how).

Secondly, Matija Damjan (University of Ljubljana, Slovenia) presented “The Protection of Privacy of IP Addresses in Slovenia”. Professor Damjan stressed that IP Addresses are personal data, so they fall under the protection of the Slovenian Constitution, the European Charter of Human Rights, and the European Court of Human Rights. Besides protecting personal data, IP addresses can be covered under the right to communication privacy. According to Professor Damjan, breaching privacy could be prevented by more strict protection of dynamic IP addresses under communication privacy and static IP addresses under data protection rules.

The third presentation of Section 3 was on the topic “Privacy and Religious Freedoms: Friends of Foes, or Both?” by Vanja-Ivan Savić (University of Zagreb, Croatia). In his presentation, Professor Savić dealt with the issue of the right to privacy about religion. The Professor expressed his opinion that in some cases, it is allowed for some personal data to be made accessible to the Church, as they are essential for certain religious ceremonies, such as baptism or the conclusion of a marriage.

3. Summary and impression of the conference

The high-profile and excellently organized conference on “The right to privacy in the digital age – in specific terms” provided an excellent platform for recognized professionals from seven Central European countries to present their research findings, opinions, and suggestions for future legislation on the right to privacy. Many interesting topics were presented during this conference, each from a different perspective and viewpoint of a different country. One common thing in all presentations was the emphasis on the importance of the right to privacy, especially in today’s digital age. The significance of the right to privacy is even more stressed when it comes to protecting children, who many times are not aware of the dangers of the digital age and social media, especially when they start broadcasting on social media at a very young age, without being fully aware of their rights.

The fruitful discussion at the end of the conference further confirmed the success of the conference and the importance of this issue.