

Digital Integrity of the human person

A new fundamental right

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We don't use the expression IRL. (...) We say
AFK. We think that the internet is for real.

Peter Sunde

TPB AFK: The Pirate Bay Away from Keyboard - 2013

“Personal Data is the new Oil”

WRONG

The search for a core digital human right

A historical perspective

Human rights rose in world shaped by the printing press innovation.

Digital Human rights are rising in a world shaped by the Internet innovation.

The Right to Life

The *Right to Life* is the most important of all Rights.

Without the *Right to Life*, we cannot enjoy any other Rights.

The *Right to Life* appears with Christianity and Judaism, but is coined in our Human Rights declarations and Constitutions.

The Right to Life

The *Right to Life* is often combined with Rights to have our *Physical* and *Mental* integrity protected and respected.

Today our lives have been digitally extended.

Our *Right to Life* should be also.

The Concept

Next to your *physical* and *mental* integrity, there is a *digital* integrity of the human person.

Respecting the integrity of a person is guaranteeing its autonomy and its freedom. This guarantee should also apply in the digital dimension.

Some consequences

Personal data are constituting elements of the person. (AFAPDP Declaration). Right over personal data are inalienable, and cannot be sold.

Harvesting data is harming the digital integrity of the person unless informed consent is given.

Digital realm is not a parallel universe («Neuland» of Angela Merkel). It is an extension of life environment.

No human has a possibility to know precisely its own digital self. No law can assume it does. Data protection laws should apply any way.

Digital Integrity and GDPR

Not incompatible. It is a set of tools and rights useful to the protection of digital integrity.

BUT it is incompatible with article 2. The material scope has a Security Blackhole. (a bit reduced by Convention 108+).

Why the need for a right to Digital Integrity?

Imposes to State to interact with its citizens digitally in a way that does not harm individuals.

Incentivises States to provide tools to its citizens to protect and defend their digital autonomy.

States must show the way against the development of digital slavery (labour focus)

The *right to digital integrity* must be the general justification for the *right to data protection*

Possible implementations

Charter of Fundamental Rights of the European Union (art. 3 al. 1)
Everyone has the right to respect for his or her physical and mental integrity.

Swiss Constitution (art. 10 al. 2)
Every person has the right to personal liberty and in particular to physical and mental integrity and to freedom of movement.

Possible implementations

Charter of Fundamental Rights of the European Union (art. 3 al. 1)
*Everyone has the right to respect for his or her physical, mental and **digital** integrity.*

Swiss Constitution (art. 10 al. 2)
*Every person has the right to personal liberty and in particular to physical, mental and **digital** integrity and to freedom of movement.*

Current implementation

- Canton of Valais (CH) new constitution (not in force)
 - Approved by Fundamental rights committee as separate article. 2019.10.11 To be presented to Plenum in 2020.

Past Events

- Many small workshops and presentations (2011-2018)
- OT-Lab (Geneva state) 2014.03.27
<http://www.ot-lab.ch/?p=5060>
- University Lausanne conférence L'auditoire 2014.03.31
<http://www.auditoire.ch/?env=article&cat=campus&art=20140415163700>
- 12th Swiss Data Protection day (Uni Fribourg) 2019.05.17
- Conference of French speaking Data protection agencies AFAPDP (Dakar) 2019.09.17
- CDC/36C3 (Leipzig) 2019.12.28
- Pirate Security Conference (Munich) 2020.02.16
- Law University of Neuchâtel (CH) 2020.02.21

Other notable achievements

- **SWICO Digitalisierungsmonitor 2019 (Q13
Answers show strong support)**

<https://www.swico.ch/de/news/detail/auswertung-des-digitalisierungsmonitors-von-Swico>

- **Swiss SP Internet position paper 2015**

https://www.sp-ps.ch/sites/default/files/documents/internet_verabschiedet_d_0.pdf

Future Events

- Presentation to Pirate/Green MEPs
- Presentation to Swiss Latin conference of the ministers in charge of digital

Future Work

- Publication of essay on Digital Integrity
- Legal research
- Swiss Cantonal and Federal initiatives

What can I do to support

- Keep on building and using tools that protects our digital integrity.
- Ask the judge: “Does this harm my digital integrity?”
- Explain how (insert something bad here) is hurting your digital integrity.
- Financially support the popular initiatives.

For more resources

Vienumerique.ch