Private Selves

Data protection has become such a key area for law – and for society at large – that it is important to understand exactly what we are doing when we regulate privacy and personal data. This study analyses European privacy rights focusing especially on the General Data Protection Regulation, and asks what kind of legal personhood is presupposed in privacy regulation today. Looking at it from a deconstructive angle, the philosophical foundations of this highly topical field of law are uncovered. By analysing key legal cases in detail, this study shows in a comprehensive manner that personhood is constructed in individualised ways. With its clear focus on data protection and individual rights, the book will be of interest to those trying to understand current trends in European Union law.

Susanna Lindroos-Hovinheimo is Professor of Law at the University of Helsinki. She is the author of *Justice and the Ethics of Legal Interpretation* (2012).
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Private Selves
Legal Personhood in European Privacy Protection

Susanna Lindroos-Hovinheimo
University of Helsinki
To my Dad
Privacy is about nothing less than trying to live both as a member of a variety of social units – as a part of a number of larger wholes – and as an individual – a unique, individuated self.

Christena Nippert-Eng, *Islands of Privacy*
Contents

Series Editors’ Preface ........................ page xv
Acknowledgements ............................ xvii
Table of Cases ................................. xix
Table of EU Secondary Law ................. xxii
Other Institutional Sources .................. xxiii

Introduction

Main Objective: Deconstructing Private Personhood 4
An Outline of EU Privacy Rights 7
The GDPR 9
The ECJ’s Interpretation Practices 11
Two Examples: Wirtschaftsakademie and Jehovah Todistajat 15
Personal Data on Facebook Fan Pages 17
Jehovah Todistajat: Religious Communities Are Not Exempt from Data Protection Regulation 22
Courts, the Law and the Impossibility of Neutrality 27

1 Private Persons Are Made

What Is a Person, According to the Law? 30
Persons Are Made by Law 33
What Do Privacy Rights Produce? 37

2 The Person in Control

Problems with Consent 47
Individualisation As an Index of Late Modernity 51
Individualism in Legal Theories of Privacy 54
Personal Data Is Always Data about an Individual 56
### CONTENTS

Alternative Perspectives from the ECtHR .......................... 60
Privacy Clashes with the Individual: the Buivids Case .................. 63
Even Relational Privacy Can Be Individualistic ......................... 66

3 **The Autonomous Person** ........................................... 69
  Privacy Rights Protect Personhood ..................................... 71
  Privacy Rights Focus on Protecting Autonomy ......................... 74
  Personal Data Law Protects Vulnerable Persons ...................... 76
  *Fashion ID*: the Activity of the Person Is Irrelevant ............ 77
  Deconstructing the Autonomous Legal Person ....................... 80
  Subjective Conceptions of Privacy .................................. 82
  Persons Are Formed by Ideology ...................................... 86

4 **The Immune Person** ................................................. 90
  Privacy As Immunity: An Obstacle to an Open Society? ........... 91
  Immunisation: Means for Withdrawal ................................ 96
  Openness and Closure: the Right to Be Forgotten ................. 98
  Later Approaches to the Right to Be Forgotten .................... 102
  Searching for Possibilities of Re-thinking: ......................... 104
    Impersonal Law ...................................................... 104
  Justice through the Impersonal? .................................... 106

5 **The Person at Liberty** ............................................... 109
  Durkheim’s Impersonal Individualism ................................ 112
  The Person As an Economic Agent in the EU ......................... 117
  *Deutsche Post*: Functioning Administration Overrides ............ 121
    Data Protection ..................................................... 121
  Surveillance Capitalism and Related Individualisation ............. 127

6 **The Political Person** ................................................. 131
  Equality As a Presupposition ......................................... 135
  Political Speech ................................................................ 137
  Law and Order .................................................................. 139
  *Schrems I* As a Political Act ......................................... 141
  Equality and the Digital Poorhouse ..................................... 145

7 **The Person in the Community** .................................... 148
  Nancy: Singular Plurality ............................................... 149
  Community, Not Common Essence ..................................... 152
  Community Is Grounded in Freedom .................................... 154
Contents  xiii

Can There Be a European Community? 158
The Benefits of Thinking in the Singular–Plural 161
Singular–Plural Privacy? 162
Returning to the Productions of Law 166
Why Privacy Is Valuable 167

Conclusions  171

Bibliography  176
Index  185
Series Editors’ Preface

We are delighted to welcome Private Selves: Legal Personhood in European Privacy Protection by Susanna Lindroos-Hovinheimo to the Cambridge Studies in European Law and Policy series.

This book combines, in an original way, careful doctrinal analysis of the positive law on privacy within the framework of the European Union with jurisprudential insights into the nature of legal personhood and legal subjecthood, drawing on a range of sources within the field of continental philosophy. It suggests itself as a contribution to critical legal studies within the framework of European Union law. This offers a novel research-led insight into an important and topical area of European law, focused in particular on the relatively recent introduction of the General Data Protection Regulation (GDPR; the new personal data regulation), which has fundamentally altered the legal landscape in this domain.

While the doctrinal analysis on its own is already an important contribution to knowledge, the book’s most important insights come in relation to the concept of privacy. Lindroos-Hovinheimo acknowledges that privacy is undoubtedly a difficult concept to analyse. It is also hard to get away from thinking that privacy is, in modern society, constantly under threat. She suggests re-thinking privacy in ways that try to overcome the obvious tension between the individual and the community/ies in which they live. Privacy is – according to Lindroos-Hovinheimo – a potential bridge between individuals and the community. It is less an individual entitlement, although obviously individuals, especially vulnerable individuals, are to be cherished and protected, but rather a relation, and a way of being in a community. The book is thus a critique of the individualism that seems inherent in most (legal) privacy protection, and
a plea for a different kind of thinking that overcomes the individual/community dichotomy within most liberal thinking about privacy.

Jo Shaw
Laurence Gormley
Mark Dawson
This book has not been written by me. It has not been an individual endeavour. The work has been done with the help of many friends. Toomas Kotkas is a rock on which I lean. His comments on the manuscript were essential. Samuli Hurri and Ari Hirvonen have likewise given me strong support. Suvi Sankari has been an enormous help by discussing intricacies of EU law, among other things. Ida Koivisto I thank for her friendship, but above all for writing company across Europe. Päivi Korpisaari is an energising force, with whom I have enjoyed discussing privacy law for years. Pia Letto-Vanamo and the Faculty of Law have supported my research in generous ways, for which I am very grateful. Chris Tomlins invited me to Berkeley for a break when I needed it, which enabled me to concentrate on writing. Jo Shaw gave me feedback on a very early plan for this book, and it helped me realise what I am trying to do. The clarity and focus required to complete the book was offered by Gothenburg colleagues and other participants in a lovely seminar in Varberg 2018. I want to thank Merima Bruncevic, Matilda Arvidsson, Jannice Käll, Eva-Maria Svensson, Tormod Otter Johansen, Emílios Christodoulídis, Andreas Philippopoulos-Mihalopoulos and Fiona Macmillan for their helpful comments. I am also grateful to the participants of the Fundamental Rights Online research seminar held in Helsinki in 2019, especially Beate Roessler, Tuomas Ojanen, Bilyana Petkova, Marta Maroni and Anette Alén-Savikko. The Fundamental Rights, Privacy and Security (FUPS) community in Helsinki has given me lots of inspiration and I want to thank in particular Tobias Bräutigam and Jens Kremer for their support.

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