

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-Hovinneimo 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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Cambridge University Press
978-1-108-47888-5 — Private Selves
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Private Selves

Legal Personhood in European Privacy Protection

Susanna Lindroos-Hovinheimo
University of Helsinki



Cambridge University Press
978-1-108-47888-5 — Private Selves
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CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
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www.cambridge.org

Information on this title: www.cambridge.org/9781108478885

DOI: 10.1017/9781108781381

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First published 2021

A catalogue record for this publication is available from the British Library.

ISBN 978-1-108-47888-5 Hardback

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978-1-108-47888-5 — Private Selves
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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*

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Cambridge University Press
978-1-108-47888-5 — Private Selves
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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

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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

Acknowledgements

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, Emilios Christodoulidis, 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.

I have had invaluable help from research assistants Miikka Hiltunen, Enna Hakala and Linda Sydänmaanlakka. Christopher Goddard's

xviii ACKNOWLEDGEMENTS

meticulous proofreading has been an enormous asset. I am also very grateful for Barbara Eastman's editorial help, which has been invaluable, as has CUP's.

Finally, I want to thank my family, without whom I could never do anything at all.

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Canadian Criminal Code RSC 1985 c C-46.

Cambridge University Press
978-1-108-47888-5 — Private Selves
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