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PRIVACY LAW ISSUES RAISED BY NEW SPACE DEVELOPMENTS

Abstract

In the past countries were worried about other countries surveying their country without consent via remote sensing and thus, in 1986 the UN published the principles relating to remote sensing of the Earth from space. Privacy was a large discussion within the talks; however, on that topic there was no conclusion and it was left vague because each country had a fundamental different understanding of privacy. Now, a few decades later, privacy needs to be considered for a different reason: European Union (EU) data protection law.

When one considers potential space technological developments, much of it may fall under EU data protection law obligations. For example, the Space Belt idea to have a whole separate internet network in space, or the forth coming internet of things, which will see increased use of GPS functionalities and remote sensing. Not to mention future planned space missions and explorations will be gathering more and more data about astronauts and their counterparts. EU data protection law will need to be considered.

While a satellite launched from EU territory is obliged to comply with EU data protection law, those satellites outside the EU will have the same obligations if they happen to be monitoring the EU and collecting data that will come within the scope of the definition of personal data. While much of this data may be aggregated and for statistical purposes, the statistical exemption under EU law is not in any way absolute.

Many business models nowadays are founded and function on this idea of gather data, but they often do not realise that the data is considered personal data for the purposes of EU law. Furthermore, even by simply collecting the data, EU data protection law is triggered. Personal data has been dubbed the "new oil" and the big data enterprise is set to create billions of euros each year. The latest EU data protection law, the General Data Protection Regulation, could really hinder this if companies do not ensure they are compliant with the law as fines can reach up to 20 million or 4

During the talk I will outline EU data protection law, it's scope and the obligations that even non-EU entities may need to take on. Furthermore, I will put this within the context of international space law.