

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Interactive Presentations - IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (IP)

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PRIVACY ASPECTS OF EARTH OBSERVATION SATELLITES

Abstract

Thanks to the numerous benefits of advanced satellite technology, earth observation images have gained enormous popularity for the improvement of human life. On the other hand, improvements in the resolution of images and the number of satellite operators, combined with increased information-gathering technologies and data analytics methods increase privacy concerns. However, the implementation of legal limits has not been put in place accordingly. The trend in the commercial market to push spatial resolution to lower levels to gain a better position in the market causes more liberal legislation and potential data abuses. General principles under International Space Law documents can offer limited protection for privacy. However, conflicting interests can find legal ground among these principles. Countries may differ in which interest is superior, which level of resolution is classified as high resolution, and data distribution approaches. National remote sensing legislations contain specific control mechanisms for operation and distribution of data but there are no clear resolution limits and uniformity among them.

Privacy conflicts derived from high-resolution imaging will be analyzed in this article. The novel of George Orwell, 1984, comes to mind, that questions how we can prevent “big brother” from watching us. This essay will be descriptive and explanatory study. Firstly, the development in technology over the years and current technical abilities will be given to analyze whether they pose danger to an individual’s privacy. Moreover, the benefits of technology and usage areas will be given to clarify the importance of technology which must be considered to keep a balance between conflicted interests. The following sub- sections will analyze the current legal regimes governing the right to privacy and earth observation technology. In order to achieve this aim, international and national laws related to Earth Observation, privacy and data protection-related regulations and case laws will be examined. The conceptualization of privacy and protection of this dynamic fundamental human right will be mentioned to find how much privacy people are entitled to, in conjunction with EO activities. Example case laws and privacy regulations related to aerial photography will be mentioned to get a better understanding and proposed applicable safeguards.

In conclusion, there is no international regime governing privacy concerns over remote sensing activities, thus the only way for individuals is to protect their privacy in their state of citizenship and/or residence. If the international community does not solve these problems, technological development will also be affected negatively.