**Privacy as Data Protection: Some Critical Legal Problems**

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**ABSTRACT**

This paper is presented as a collective contribution of members of the multidisciplinary project *Digital Age: New Problems for the Law,* funded by the *Generalitat Valenciana,* which aims at analysing and discussing some crucial impacts that communication and information technologies are having on our legal systems. Our present proposal revolves around the content and reach of a conception of privacy interpreted in an informational sense. The controversial separation of the public and private spheres is particularly troubling nowadays given the current capacity of governments and enterprises to collect and use personal information. Starting with a conceptual approach to the meaning and value of privacy where the cluster of moral pretensions and reasons implied can be a guide to legislative and judicial decisions, the paper goes on to deal with three problems that have been considered worthy of particular attention. First, the recording of communications of customers that financial institutions will accomplish in accordance with the European regulation on market abuse raises particular concern about their impact on privacy. Secondly, the use of video surveillance evidence has been considered by our constitutional jurisprudence specially protected by informational self-determination. But this interpretation can generate an interesting debate about different standards of evidence in social and criminal jurisdictions. Finally, the intrinsic vocation to internationalisation of information flows requires an international legal perspective from which to consider the new European legal regime as well as to reflect on disputes resolution and applicable law.