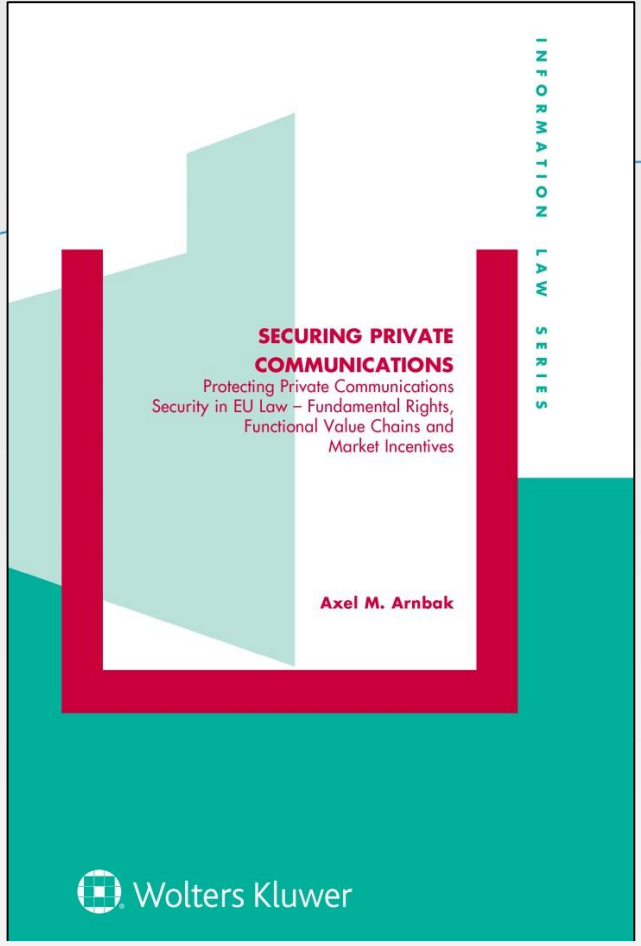

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Information Law Series

Securing Private Communications

Protecting Private Communications Security in EU Law- Fundamental Rights, Functional Value Chains and Market Incentives

By
Axel M. Arnbak

Private communications are all around us, the internet is in our 'things'. While our bits flow across the world, often our data lacks robust protection. Axel Arnbak has managed to grab a critical and complex regulatory phenomenon and offer both conceptual and practical advice on what to do about it. Warmly recommended.
– Jacob Kohnstamm, Chair Dutch Data Protection Authority, former Chair Article 29 Working Party.

We learned from DigiNotar that online trust is broken, and from Ed Snowden that it's even more broken. So what should European institutions be doing about it? You should read Axel Arnbak's book to find out.
– Ross Anderson, Professor of Security Engineering, Computer Laboratory at Cambridge University, author of a.o. 'Security Engineering'.

It has become glaringly clear that any communicative act online is subject to breach by intelligence agencies, cybercriminals, advertising networks, employers, and corporate data miners, to mention the most obvious intruders. Internet users, seeing no other choice than to hop onto the web based bandwagon, have come to depend on a networked communications environment that is fundamentally insecure. Now lawmakers worldwide are gearing up to intervene. Arguing for a stricter stance on protecting private communications security, this groundbreaking study offers a conceptual and legislative toolkit leading to a step-by-step regulatory model in EU law. The proposed model is tested in two detailed case studies on HTTPS and cloud communications.

From the interlocking perspectives of fundamental rights, systems design, and political organization, the regulatory model proposed is tested on HTTPS, which covers the user–provider relationship in web browsing, and on "cloud" communications that affect interdomain and intradomain communications. The case studies are based on the infamous DigiNotar breach and the MUSCULAR programme disclosed by whistle-blower Edward Snowden and contain original legal, security economics, and computer science research, conducted jointly with scholars trained in these disciplines.

Responding to a general positive human right to communications security that is emerging from European fundamental rights law, this book not only provides one of the first interdisciplinary studies to appear in the academic literature on EU communications security law, but also offers broad recommendations to the EU lawmaker and gives directions for future research. It is sure to become a first point of discussion, reference, and legislative action for policymakers and practitioners in Europe and beyond.

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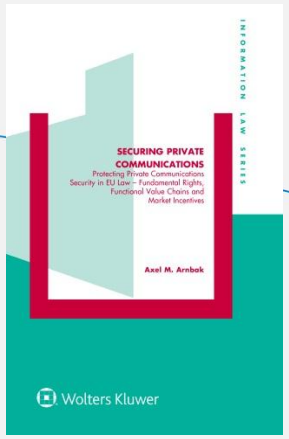

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