

## TRILCon Special Issue: Editorial

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### Background to the Special Issue

Information rights is a rapidly developing area of law and interdisciplinary practice. It embraces areas as diverse as the sharing of personal information through to issues that arise in connection with the development of technology and policy concerns such as access to public sector information and the regulation of freedom of expression. Therefore it is a field that embraces both academic deliberation and developing practical, policy and regulatory issues.

The Journal of Information Rights, Policy & Practice aims to encourage interdisciplinary debate of current information rights issues and to promote discussion of issues faced by those in policy and practice. The Journal's aims and its open access format therefore presented an ideal forum for papers stemming from the [2015](#) and [2016](#) Conferences on Trust, Risk, Information and the Law (TRILCon), organised by Winchester University's [Centre for Information Rights](#).

The themes of the 2015 and 2016 conferences were (respectively) 'the privacy arms race' and 'information is power'. Battles over data and privacy are already raging and will continue to do so into the future. The flow of information can be fundamental to building trust, assessing risks, understanding rights and enforcing law. But an aspect of power is control, an ability to decide when, how and with whom information should be disclosed. Technology has given power to some and taken it away from others, yet could technology contribute to restoring an information balance? And how does the law need to change in order to address the power of information in this technological age?

The papers in this special issue represent some of the stimulating discussion that took place at the conferences, and deal with many aspects of these important themes.

### Overview of Papers

This special issue is also the very first of the Journal of Information Rights, Policy and Practice. We were delighted to have such a wonderful selection of submissions from which to choose. This issue contains five articles, one policy report and one case review. The first three articles explore issues relating to online communication, and data collection and exploitation.

In the first article, **Lisa Collingwood** (Kingston) applies behavioural analysis in order to explore the reasons why individuals choose to communicate online in the context of the privacy paradox and suggests a future path for legal intervention in relation to online privacy.

In the next piece **Evgeni Moyakine** (Groningen) discusses the core concept of online anonymity and the extent to which it is recognised under international law, drawing conclusions as to the contribution that this right will play in the future.

**Andrew Cormack** (Jisc), moves on to consider the difficulties of reconciling big data techniques with a legal approach relying on prior consent and proposes that splitting big data into distinct analysis/pattern-finding and intervention/pattern-matching stages allows appropriate controls, guidance and regulatory enforcement to be applied to each.

The subsequent articles both deal with aspects of state use of sensitive information and analysis.

**Andrew Noble** (Coventry University College) analyses data from existing research, court decisions, publicly available police policies and records from state and professional regulators, to examine how the police and regulators exercise their discretion on criminal records disclosure, and proposes ways of structuring police and regulatory discretion in order to achieve a fairer balance.

**Marion Oswald** (Winchester) and **Jamie Grace** (Sheffield Hallam) explore some of the legal and societal issues around algorithmic and computational intelligence analysis used within policing in the United Kingdom, and discuss a freedom of information request to police forces in the UK seeking to establish the extent to which algorithmic analysis of intelligence is currently used in UK policing.

**Liz Coll** (Citizens Advice) then provides a policy report on the findings of research into consumer expectations for a more responsive personal data system, concluding with important recommendations for practice and future regulation.

The special issue concludes with a case report by **Oliver Butler** (Cambridge) who discusses the contentious Court of Justice of the European Union decision in C-212/13 *Ryneš*, arguing that the CJEU has imposed a spatial logic on the interpretation of the exception for data processing “in the course of a purely personal or household activity.”

*Marion Oswald and Helen James (Winchester)*