

## **The Ethical Dimensions of New Technology**

The Ethical Dimensions of New Technology debate's moderator, Tim Cooper, Principal Research Officer at Frontex, stated that the purpose of the debate was to raise awareness of the ethical implications for the way border guards do their work in an age of rapid technological proliferation.

He said, as it is "Commission policy to take a technological approach" in the context of border control, everything from the introduction of new databases and scanners for checks, the possible future use of Remotely Piloted Aircraft Systems (RPASs) in surveillance, to the basic practice of border guarding itself all bore significant ethical considerations.

Each member of the debate brought particular expertise to the topic.

First off, Katarzyna Grzybowska, from the European Data Protection Supervisor where "we sit together with data protection authorities and we discuss data protection issues," raised the legal principles behind the gathering, use and sharing of information.

Criminologist Philip Gounev from Bulgaria's Centre for the Study of Democracy, with a decade of experience researching organised crime, focused on anti-corruption measures.

Professor Tom Sorell from the University of Birmingham, said ethicists such as he, unlike lawyers, concern themselves with "the whole range of actions that are right and wrong," not only the misuse of power by the state but also wrong actions by individuals. He pointed out that border guards are often, "at the receiving end of lots of dishonesty [and] criminal activity" so a broader ethical appraisal of border guarding was necessary, rather than merely looking at the legal aspects.

Tim Cooper addressed his first question directly to Katarzyna Grzybowska asking, with regard to biometric and other information, why was so much being collected in such unprecedented amounts, and what were the ethical problems with gathering, accessing and using this information for purposes such as the creation of profiles?

Prefacing her answer by insisting data protection principles were not obstacles but tools by which inter-agency trust could be engendered, "We are not against the use of new technologies," only that when we use them, "we should be clear about the purpose," she went on to explain that there was "no definition of profiling in the European Union." The issue needs clarification, she said, to distinguish between profiling for law enforcement, border management or commercial purposes.

In lacking a clear legal definition, the interlinking of various databases with different purposes in the complexity of agencies, instruments and strategies which she described as a "patchwork," was sometimes "simply unlawful" in her view. She highlighted the basic principles of proportionality, necessity and lawfulness with regard to collection of information to avoid violations and felt that the "slogans" of "privacy by design" and "select before you collect" would ensure just use.



Prof. Sorell responded by saying, "I don't expect border guards to be on top of all of the intricacies of combining the information" as the pressured, labour-intensive nature of crime investigation made the temptation to misuse it "inevitable."

Philip Gounev spoke up saying, as a social scientist, "I'm a big fan of data analysis," by which he meant if there was to be linking of information systems, to avoid useless paperwork "we shouldn't be stuck in the 90s" and therefore had to invest in analysis of the collected information.

He then raised the issue of the value of the data. The sale of information, he suggested, is one of the biggest corrupting factors facing border guards because criminals pay for knowledge of patrols and missions or to alter data in databases. On the other hand, he explained that data mining of the personal information of employees could itself reveal irregularities, misuse and corrupt behaviour among law enforcement officers.

Tim Cooper added to the discussion asking about "mission creep," or the unintended use or consequences of systems originally created for other purposes. Katarzyna Grzybowska emphatically stated that just because something was technically possible it did not mean it should be done.

When Tim Cooper voiced the concern that with so many databases at hand, ten by his count in certain cases for border guards, "it was increasingly easy to make mistakes," Katarzyna Grzybowska said "one solution is good rules" reiterating her idea of "privacy by design" as a basic concept when rules are written.

"The standards for inputting [data] have to be very high," Sorell said, and that could mean some information is never collected because the standards are not met. But Gounev was sure that by simplifying the work of frontline border guards, and investing in auditing, misuse would be prevented. To end the debate, a Swiss border guard audience member asked about the proportionality of controls and the need to treat people "as human beings." Prof. Sorrel summarised saying, "proportionality is difficult to apply" but noted that the application of high levels of security on people that pose no risk might not be possible in the future as technology develops.