Implications of the General Data Protection Regulation
A Media Analysis
About the e-SIDES project

Data-driven innovation is deeply transforming society and the economy. Although there are potentially enormous economic and social benefits, this innovation also brings new challenges for individual and collective privacy, security, as well as democracy and participation. The main objective of the CSA e-SIDES is to complement the research on privacy-preserving big data technologies, by analysing, mapping and clearly identifying the main societal and ethical challenges emerging from the adoption of big data technologies, conforming to the principles of responsible research and innovation; setting up and organizing a sustainable dialogue between industry, research and social actors, as well as networking with the main Research and Innovation Actions and Large Scale Pilots and other framework program projects interested in these issues. It will investigate stakeholders’ concerns, and collect their input, framing these results in a clear conceptual framework showing the potential trade-offs between conflicting needs and providing a basis to validate privacy-preserving technologies. It will prepare and widely disseminate community shared conclusions and recommendations highlighting the best way to ultimately build confidence of citizens and businesses towards big data and the data economy.

Deliverable D4.1 Results of the Gap Analysis

Find more at: https://e-sides.eu/resources/deliverable-41-results-of-the-gap-analysis

About this white paper

This white paper is based on Deliverable D4.1 of the e-SIDES project, which does not only provide a gap analysis based on the findings related to the key ethical, legal, societal and economic issues emerging from the use of big data and the assessment of existing privacy-preserving technologies but also an analysis of the implications of the General Data Protection Regulation (GDPR). With respect to the implications of the GDPR, we analysed how the media in Germany and the United Kingdom reported on the GDPR around the regulation’s effective date.
METHODOLOGY OF THE MEDIA ANALYSIS

Goal: Investigation of GDPR-related media coverage and its implications

Focus: GDPR’s expected impact on the competitiveness of EU companies and the deployment of Privacy-Preserving Technologies (PPTs)

Sample:

- Two countries: Germany, UK
- Six newspapers and two news websites
- 267 GDPR-related articles published between 15 May (entry into force of the GDPR) and 15 July 2018
- 3 categories of articles:
  - General issues
  - Consequences of the GDPR
  - Relevance of PPTs

Selected media:

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Quality</th>
<th>Circulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>süddeutsche Zeitung</td>
<td>Quality, liberal</td>
<td>0.4 M</td>
</tr>
<tr>
<td>Frankfurter Allgemeine Zeitung</td>
<td>Quality, conservative</td>
<td>0.5 M</td>
</tr>
<tr>
<td>BILD</td>
<td>Tabloid</td>
<td>2.2 M</td>
</tr>
<tr>
<td>Spiegel Online</td>
<td>Online</td>
<td>84 M</td>
</tr>
<tr>
<td>The Guardian</td>
<td>Quality, liberal</td>
<td>0.1 M</td>
</tr>
<tr>
<td>The Daily Telegraph</td>
<td>Quality, conservative</td>
<td>0.4 M</td>
</tr>
<tr>
<td>Daily Mail</td>
<td>Tabloid</td>
<td>1.3 M</td>
</tr>
<tr>
<td>BBC News</td>
<td>Online</td>
<td>15 M</td>
</tr>
</tbody>
</table>
REPORTING INTENSITY

- Total numbers of articles dealing with the GDPR are comparable in the two countries
- Intensity of reporting followed the same pattern
- Peak of reporting was on 25 May 2018 +/- 3 days
- Reporting intensity declined quickly after the effective date

Intensity of reporting between 15 May and 15 July 2018

Days considered
N= 267 GDPR related articles
CONTENT: GENERAL ISSUES

General information on the GDPR
- Articles deal with the effective date of the GDPR, the organisations and individuals affected and the consequences of not being compliant
- Emphasis on the regulation significantly strengthening a number of rights
- Articles belonging to this category were found most frequently around 25 May 2018

Difficulties for small businesses
- Articles deal with difficulties that small businesses and other organisations like local authorities, associations and bloggers face (e.g. high fines, expensive legal advice, etc.)
- Emphasis on small businesses lacking resources to effectively prepare for the GDPR
- The GDPR is referred to as a “brute force” and “bureaucratic monster”

The role of Facebook & Co.
- References to companies that are considered particularly privacy intrusive: US technology giants such as Facebook, Apple, Google and Microsoft
- Companies accused of launching tools to officially put people in control over their privacy, but actually often hiding privacy-friendly choices and making use of dark patterns
- Facebook is referred to as the “tip of the iceberg”

The Cambridge Analytica scandal
- The personal data of tens of millions of people harvested by Facebook was shared with the political consultancy Cambridge Analytica from 2014 on and was used to influence voter opinion (including the campaigns of Donald Trump and the Brexit vote)
- Appearance of Zuckerberg (CEO of Facebook) before the European Parliament is portrayed critically throughout the sample

Data as the currency of the 21st century
- Data described as the “new oil” of the global economy
- Focus on the increasing importance of data flows
- Data brokerage as one of the fastest growing still largely unregulated sectors of the economy
- Emphasis on users often giving data in exchange for free services willingly

The GDPR is not main topic
- Especially in the very first days of our period of research and also from the middle of June on, many articles only refer loosely to the GDPR, but have another main topic and intention
- This reflects the declining interest in the GDPR after the new regulation became effective on 25 May
The GDPR is not the main topic
Data as the currency of the 21st century
The role of Facebook & Co.
The Cambridge Analytica scandal
Difficulties for small businesses
General information on the GDPR
The GDPR is not the main topic

N= 267 GDPR related articles
CONTENT: CONSEQUENCES OF THE GDPR

Restrictions on the provision of services
- Reference to limitation of access of EU users to certain international services
- LA Times as a prominent example: users were redirected to a page saying that the website was unavailable in EU countries
- While most services stressed that the cut-offs were temporary, many of them remained unavailable to EU readers for months

A wave of cease-and-desist letters
- Discourse much more prominent in the German than in the UK coverage
- Caused by coverage on political efforts by German political parties to prepare for a wave of cease-and-desist letters
- After a certain time it became clear that no such wave was coming – references in the German media as “phantom”

Countless re-subscribe e-mails
- Discourse much more prominent in the UK than in the German coverage
- Consumers were flooded with e-mails asking them to “opt in” to continue receiving material
- E-mails are based on the legal requirement that businesses must secure consent before e-mailing people with marketing materials

European competitiveness
- Germany: positive and negative views and expectations were found to be quite balanced
- UK: portrayal of negative consequences dominated
- Positive portrayal: GDPR as “the best privacy shield for citizens that ever existed”, “EU has set the standard for data protection”
- Negative portrayal: additional costs for Europe, “data bureaucracy”, “exaggerated barrier”
CONTENT: CONSEQUENCES OF THE GDPR

Consequences of the GDPR
Frequency of occurrence in German and UK media

- Restrictions on the provision of services
- A wave of cease-and-desist letters
- Countless re-subscribe e-mails
- The future role of Europe

N= 121 GDPR related articles
## CONTENT: RELEVANCE OF PPTs

Articles made explicit references to PPTs or mentioned requirements that can be met particularly well by using such technologies

<table>
<thead>
<tr>
<th>Technology</th>
<th>% of references in the German media</th>
<th>% of references in the UK media</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anonymisation</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Sanitisation</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Encryption</td>
<td>18.2%</td>
<td>16.7%</td>
</tr>
<tr>
<td>Deletion</td>
<td>42.4%</td>
<td>26.2%</td>
</tr>
<tr>
<td>Access control</td>
<td>33.3%</td>
<td>11.9%</td>
</tr>
<tr>
<td>Multi-party computation</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Policy enforcement</td>
<td>9.1%</td>
<td>4.8%</td>
</tr>
<tr>
<td>Accountability</td>
<td>57.6%</td>
<td>35.7%</td>
</tr>
<tr>
<td>Transparency</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Data provenance</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Access and portability</td>
<td>57.6%</td>
<td>33.3%</td>
</tr>
<tr>
<td>User control</td>
<td>21.2%</td>
<td>88.1%</td>
</tr>
</tbody>
</table>
Content: Relevance of PPTs

User Control
- User control is prominently mentioned because it is closely related to consent, which is a key concept of the GDPR
- Articles stress that the GDPR requires organisations to obtain explicit consent before processing personal data

Accessibility and Portability
- Mostly mentioned in the context of companies introducing tools to access and download the data that they store about their users
- Users can request a copy of any personal information held

Transparency
- Proper information and transparency is critical to ensure trust by allowing individuals to understand better how their data is being processed
- Articles highlight that users need to be able to see exactly how their information is being used

Accountability
- References to accountability are mostly found in the sense that organisations are accountable for consumers’ data
- References to recent misuses of personal data (i.e., Cambridge Analytica scandal)

Access Control
- The need for access control mechanisms is mostly hidden in statements like data must be held “as safe as it can be” and with a “high level of data protection” so that it cannot be stolen or get lost

Deletion
- Connected to the right to be forgotten
- Consumers gain new rights, including “the right to see what information companies have about them, and to have that information deleted”

Policy Enforcement
- Encryption often not mentioned explicitly but hidden among possible technical and organisational measures to secure data
- “GDPR [...] is encouraging companies to adopt secure, encrypted email services”
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