信息法国际学术研讨会

参与者报告题目和摘要

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| 黄继儿  Stephen WONG | 报告题目Title: International Data Flows vs Domestic Data Sharing Regulations  报告摘要Abstract: In this data driven economy, data (personal data in particular) is not merely oil, gold, or money for organisations but fuel for ICT and economic development. Hence there is a demand for data within and beyond borders for all economic purposes, and understandably expectation of digital citizens that their privacy be respected and protected. The EU GDPR and the EUCJ’s decision in Schrems II (2020) seem to have sparked off a tsunami effect around the globe in that in protecting personal data privacy right, which is a fundamental human right, cross-border/boundary data transfers are being statutorily tightened up - the more recent case being the implementation on 1 November 2021 of the Chinese Personal Information Protection Law. |
| Simone CALZOLAIO | 报告题目Title: From Privacy by Design to Data by Design  报告摘要 Abstract: With the advent of technologies based on artificial intelligence, the risks deriving from the systematic breach of personal data by both public authorities and large private industries have increased. To protect personal data, a strategy is required that takes into account the risks for individuals deriving from the analysis and exploitation of data sets (personal data, non-personal data, important or strategic data) through which it is possible to profile, control, limit the life and freedom of individuals, civil society, territories and nation states.  In this context, in different ways, both in European law and in Chinese law, it is necessary to manage the distinction between personal data, non-personal data and important or strategic data, as a single set of data, through the legal regulation of personal data, artificial intelligence, social media activities.  For these reasons, privacy is no longer just a matter of protecting the individual, considered in isolation. Protecting privacy implies protecting the person in the social and institutional environment in which he lives and works. This is the immense task of 21st century law and constitutionalism. |
| 赵之威  Alan CHIU | 报告题目Title:  Cybersecurity in Asia - An Urgent Call to Action  报告摘要Abstract: Cybercrime is becoming a greater risk when doing businesses in Asia as compared to North America and Europe. Rapidly growing connectivity and the accelerating pace of digital transformation expose the Asia region, and make it particularly vulnerable to cyber exploitation. Cyber attacks are known to be low-cost yet capable of severe damages, while cyber adversaries are not limited by geographical boundaries. Legislations, enforcement and education are the key actions called for. We will discuss and evaluate what efforts China, Hong Kong, Singapore and other jurisdictions in Asia have made to combat cyber threats in recent years. |
| Ermanno CALZOLAIO | 报告题目Title: Comparative Law between Bitcoin and Data  报告摘要Abstract: Technological innovations are affecting every aspect of our individual and social life. One of the most relevant features of the change of epoch we are experiencing is the transformation of the ‘old world’ from a static and territorial dimension to a de-materialized dimension where new objects exist only through electronic means and in constant change. This presentation analyses Bictoins and data as two phenomena giving evidence to this transformation. The presentation will consider (and question) recent legislative initiatives within the EU, being engaged in the attempt to to reallocate within the reassuring traditional categories new phenomena, whose ‘a-territorial’ character puts in question the simplified way of representing the real world adopted since now. Legal comparison is called to catch the challenge of assuming a ‘global’ perspective, passing across the national legal orders in order to understand them in their complexity. |
| Andrea TRIPODI | 报告题目Title: The Fight against Cybercrime in Italy: Between “Reactive” and “Proactive” Approaches  报告撮要Abstract: From the analysis of the definitional outlines of cybercrime follows a description of the regulatory framework which, thanks to the impetus of European Union law, has progressively formed within the Italian legal system.  In this context, the focus is on a combination of “reactive” sanctionary choices and “proactive” types of regulation. |
| 赵文宗  MC Andy CHIU | 报告题目Title: Un/Desiring Freedom to Data  报告摘要Abstract: A Consultation Paper on Freedom of Information, proposed by the Hong Kong Law Reform Commission, was released in 2018. Although the project aims at producing a Right to Information and further entrenching Freedom of Speech, looking to enhance the accountability and transparency of public authorities, and to encourage public participation in social governance and self-determination in Hong Kong, such a proposal could only further submit individuals to public control by human digitalization. Only by refusing to informatize subjectivities, can people return to themselves and substantiate justice, as advocated by the Law Reform Commission. |
| Ben WORTHY | 报告题目Title: The Politics of Access to Information  报告摘要Abstract: Access to Information (ATI) laws don’t just open up government. ATI laws have two tasks: the manifest aim of “creating openness” and the latent aim of “maintaining secrecy” From this perspective, the creation of legal transparency regimes is a story of the ordering and management of “who can see what when, whom where” and “managing possibilities for seeing, knowing and governing” (Flyverbom 2015, p. 173).  It is also a story about power, as it is primarily governments who create and implement laws, who delineate the legal “limits” and who frame the narratives over where transparency begins and ends. Marilyn Strathern pointed out how making something transparent may be a political act with different motivations, and “there is nothing innocent about making the invisible visible” . Taking the example of the UK, this presentation examines the common features and trends in ATI laws in opening up government, and analyses how the type of political systems, legacies of open or secret cultures, and the strength of political support or opposition make them different. The presentation ends by looking at how contestation and conflict continue to shape ATI laws once they are in place. |
| 许伟强  Richard KHAW | 报告题目Title: Archives Management Systems in Hong Kong and Other Jurisdictions – An Overview |