Table of contents

List o	List of abbreviations		11
Gloss	sary		15
1	Intro	luction	27
	J. Pete	r Burgess and Dariusz Kloza	
2	The co	oncept of impact assessment	31
		sz Kloza, Niels van Dijk, Simone Casiraghi, Sergi Vazquez Maymir lessia Tanas	
2.1	Introd	luction	31
2.2	Impact assessment		32
	2.2.1	Overview	32
	2.2.2	History	33
	2.2.3	The benefits of impact assessment	34
	2.2.4	The drawbacks of impact assessment	35
	2.2.5	Integration of evaluation techniques	36
2.3	The fr	amework for impact assessment	37
2.4	A gen	eric method for impact assessment	39
3	Priva	cy	49
	Nikola	os Ioannidis	
3.1	Introduction		49
	3.1.1	Definition of privacy	49
	3.1.2	Historical development of the right to privacy in Western legal systems	49
	3.1.3	The importance of the right to privacy in society	50
	3.1.4	The importance of the right to privacy in the PERSONA benchmark	51
	3.1.5	Relevant regulatory instruments and actors involved	52
3.2	The contents of (the right to) privacy		54
	3.2.1	Legal conceptualisations	54
	322	Theoretical concentualisations	56

Border Control and New Technologies

ntrodu .1.1 .1.2 .1.3 .1.4	os IOANNIDIS action Definition and development of the right to personal data protection The importance of data protection in society The role of data protection in the benchmark	61 61 62
.1.1 .1.2 .1.3 .1.4	Definition and development of the right to personal data protection The importance of data protection in society	61 62
.1.2 .1.3 .1.4	The importance of data protection in society	62
.1.3		
1.4	The role of data protection in the benchmark	
		62
.1.5	List of relevant regulatory instruments and systems	63
	Connection with other fundamental rights	65
Key concepts and actors		
.2.1	Personal data and data subject	65
.2.2	Data controller	66
.2.3	Data processor	66
.2.4	Data protection authorities	67
rincip	les of EU data protection law	67
.3.1	Lawfulness, fairness, transparency	67
.3.2	Purpose limitation	68
.3.3	Data minimisation	69
.3.4	Data accuracy	69
.3.5	Storage limitation	69
Legal requirements		70
.4.1	Lawfulness of processing	70
.4.2	Accountability and compliance	71
.4.3	Data transfers	73
Data subject rights		
.5.1	Right to be informed	74
.5.2	Right of access by the data subject	75
.5.3	Right to rectification	75
.5.4	Right to erasure ('right to be forgotten')	75
.5.5	Right to restriction of processing	75
.5.6	Right to data portability	76
.5.7	Right to object	76
.5.8	Right not to be subject to automated decision-making,	
	including profiling	76
.5.9	Data subject rights in border control	76
Ethics and border control technologies		81
Introduction		
.1.1		81
.1.2	The importance of ethics for society	82
.1.3	The role of ethics in the benchmark	82
	1.5 ey cor 2.1 2.2 2.3 2.4 rincip 3.1 3.2 3.3 3.4 3.5 egal re 4.1 4.2 4.3 sata su 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8 5.9 thics a mone atrodu 1.1 1.2	1.4 List of relevant regulatory instruments and systems 1.5 Connection with other fundamental rights ey concepts and actors 2.1 Personal data and data subject 2.2 Data controller 2.3 Data processor 2.4 Data protection authorities rinciples of EU data protection law 3.1 Lawfulness, fairness, transparency 3.2 Purpose limitation 3.3 Data minimisation 3.4 Data accuracy 3.5 Storage limitation egal requirements 4.1 Lawfulness of processing 4.2 Accountability and compliance 4.3 Data transfers ata subject rights 5.1 Right to be informed 5.2 Right of access by the data subject 5.3 Right to restriction of processing 6.6 Right to data portability 6.7 Right to object 6.8 Right not to be subject to automated decision-making, including profiling 6.9 Data subject rights in border control thics and border control technologies formone Casiraghi, J. Peter Burgess and Kristoffer Lidén

Table of contents

	5.1.4	Historical development of applied ethics	83
	5.1.5	The profile for assessing ethics	84
	5.1.6	Literature overview	85
5.2	Ethical arguments and fallacies		
	5.2.1	Ethics and technology arguments	86
	5.2.2	Normative ethics	88
	5.2.3	Types of ethical fallacies	91
6	Social acceptance and border control technologies		
	Simone Casiraghi, J. Peter Burgess and Kristoffer Lidén		
6.1	Introd	luction	99
	6.1.1	Definition of the social acceptance	99
	6.1.2	The importance of social acceptance for society	100
	6.1.3	The role of social acceptance in the benchmark	101
	6.1.4	Historical development of social acceptance	102
	6.1.5	The profile needed for assessing social acceptance	103
	6.1.6	Literature overview	103
6.2	Social	acceptance concepts and misconceptions	105
	6.2.1	What social acceptance is about	105
	6.2.2	What social acceptance is <i>not</i> about	109
7	Borde	er management law in the European Union	117
	Alessa	ndra CALVI	
7.1	Introd	luction	117
	7.1.1	The concept of border management	117
	7.1.2	How border management laws and policies affect fundamental rights:	
		the case of EU large-scale databases and their interoperability	119
	7.1.3	How border control technologies affect fundamental rights	121
7.2		istorical development of border management law in the EU	122
7.3	_	Legal and regulatory instruments governing border management in the EU	
7.4	Actors	Actors involved in border management in the EU	
7.5	Legal requirements enshrining data protection, privacy and ethics in EU		
	border management law		
	7.5.1	An introduction to the built-in safeguards system of EU border	
		management law	126
	7.5.2	Summary of the data protection, privacy and ethics requirements	
		of the EU border control system	127

8	A ta	ilored method for the process of integrated impact assessment on	
	bord	ler control technologies in the European Union and the	
	Sche	engen Area	143
	Niko	laos Ioannidis, Simone Casiraghi, Alessandra Calvi and Dariusz Kloza	
	Intro	oduction	143
	Ove	rview of the method	145
	PHA	SE I: PREPARATION OF THE ASSESSMENT PROCESS	146
	Step	1: Screening (threshold analysis)	146
	Step	2: Scoping	147
	Step	3: Planning and Preparation	149
	PHA	SE II: ASSESSMENT	151
	Step	4: Systematic (detailed) description of the initiative	151
	Step	5: Appraisal of Impacts	151
	Step	6: Recommendations	155
	PHA	SE III: EX POST (EVENTUAL) STEPS	157
	Step	7: Prior Consultation with a Supervisory Authority	157
	•	8: Revisiting	158
	ONO	GOING PHASE	158
	Step	A: Stakeholder involvement	158
	Step	B: Quality control	159
	Step	C: Documentation	160
Anno	exes		161
Anno	ex 1: A	template for a report from the process of integrated impact assessmen	nt
on be	order o	control technologies in the European Union and the	
Sche	ngen A		163
		laos Ioannidis, Simone Casiraghi, Alessandra Calvi and Dariusz Kloza	
	Phas	e I: preparation of the assessment process	165
	Phas	e II: Assessment	185
	Phas	e III: Ex post (eventual) steps	209
Anno	ex 2: Ir	ventory of stakeholder involvement techniques	219
	Simo	one Casiraghi	
Anno	ex 3: Ir	eventory of appraisal techniques	229
	Niko	laos Ioannidis	
	3.1	Introduction	229
	3.2	Appraisal techniques explicitly required by the General Data	
		Protection Regulation	230

Table of contents

3.3	Supplementary appraisal techniques compatible with the General	
	Data Protection Regulation	234
3.4	Standalone evaluation techniques	238
3.5	Technology ranking techniques	248
igeme		251
Aless	sandra CALVI	
4.1	Primary law	251
4.2	Secondary law	251