

Book Review

Rule, James B. (eds) 2008. *Global Privacy Protection. The First Generation*. Cheltenham, UK; Northampton, MA, USA: Edward Elgar. 318 pp, Hardcover, \$135.00 (US), ISBN: 978-1-84844-063-0.

Nils Zurawski

Institute of Cultural Anthropology, University of Hamburg, Germany. nils.zurawski@uni-hamburg.de

If one quote sums up the intention and resonance of this book it is certainly this one:

Like the Dutch population records that proved so dangerous when the German occupiers turned them to destructive purposes, their negative potentials may be far from the minds of those who compile them. But privacy-watchers must always ponder the worst-case scenarios in these matters. The more personal information is stored and available, the larger is the scope for destruction, should repressive intent gain the upper hand (274).

James Rule uses the example of Dutch records during the German occupation during the 2nd World War to highlight the ambivalent character of any data, taken, stored and processed. Far from being an anti-data-collection-activists pamphlet, the collection of contributions in this volume critically analyse and compare the history and evolution of data protection discourses and laws from a variety of different countries, such as the USA, Germany, Hong Kong, Hungary, South Korea, Australia and France. Each stands for a particular example of how data-protection became a public issue and did or did not foster stronger data protection laws - or generate them in the first place. Rule states that it is impossible to imagine a world worth living in that does not contain any form of forceful surveillance (275). Data collection is necessary to our modern world with its social, economical and civil amenities, such as state benefits for the unemployed. However, this does not mean that data-protection is futile, nor that it is something that just happens. Although there is a very basic, archetypal argument for data-protection which can be agreed on around the world, - *how did they get my information and what gives them the right to act on this private data* (257) - the histories and the current practices of law concerning data protection look very different around the world.

The differences and similarities in data protection laws and their respective histories are the focus of this volume. To present those, the editors chose a comparative perspective. The single contributions are all organised alike, so the reader can easily compare the individual cases. This editorial decision again highlights the international interdependencies of current data protection policies and the legal systems that produce them.

The organisation of the book is straightforward. Rule gives a general introduction to the subject matter. This is followed by Bygrave's analysis of international agreements to protect personal data. This chapter gives both a historical account and a comparative analysis of the complicated system of international politics and the process of law making. What becomes clear here is that data protection finds itself in a constant tug of war between being regarded as a basic human right which has to be protected at all costs, and the wish by corporations and international trade organizations to ease the trans-border flow of

personal data. It is mind-blowing to read and try and understand all the different treaties, organisations and policies that operate on the global data protection scene. In its attempt to understand this complexity—and why it is not a fixed issue, but one that constantly has to be fought for—this book is probably a seminal piece of literature in the field. And it is relatively easy to follow for all scholars, including those who might not be familiar with international organisational politics.

Following this opening article are case studies from seven different countries that each provide an overview of data protection legislation nationally and its distinct formation. These case studies highlight the differences in legislation and help readers understand the different viewpoints of lawmakers and privacy advocates in different cultures. It is interesting to note that this also has a cultural aspect regarding perspectives on personal data and the politics of law-making itself. Regan, for example, shows why there has never been a coherent piece of legislation on data protection in the USA, which has resulted in there being legal gaps and an overall rather weak data protection regime. In the USA data protection is not dealt with as a general issue, but laws are made for each issue on its own, - i.e. health, children, drivers etc. In contrast, in Germany data protection is a high profile public issue that has been a matter of several court decisions in favour of more data protection for the individual citizen, including a court ruling that set out a right of informational self-determination. Data protection in Germany has a strong basis in the constitution, something that is reflected in the rulings of the constitutional courts. The German situation is related to the country's fascist history, as Kilian elaborately shows. In Hong Kong, on the other hand, data protection only played a minor role until the end of the British rule and until today is not a major public issue. Its privacy code came into being as it was the “thing to do” (259) at the time. There was no “privacy moment” where privacy became a highly supported public issue leading to new legislation, as happened, for instance, in Hungary after communist rule in the early 1990s (Szekely 174ff). The other case studies highlight similar aspects and offer rich and dense analysis for comparisons.

Although the volume is about privacy law and the international politics of data protection, it is vitally important for the whole field of surveillance studies. It is easy to follow, and written in a way that non-legal scholars can easily grasp. The contributions highlight the global importance of privacy laws, the difficulties in making international agreements related to nationally distinct perspectives and legal traditions on privacy.

To understand the difficulties of data protection, why there are no easy and globally satisfying answers, and the role of such legislation in the context of social and economical politics - this book provides some essential reading. The outline of the volume and the organisation of the individual contributions provides an ideal design to compare and understand a highly complicated issue.