

## Fundamental rights implications of big data

The development of smart devices connected online and of big data practices, allowing unprecedented availability, sharing and automated use of data, brings both opportunities in terms of efficiency and improvement in our lives and risks for individuals' fundamental rights. The European Parliament will vote on an own-initiative report on these issues in the second plenary of March 2017.

### Background

In just five years, more than a trillion sensors will be connected to the internet, including most home appliances and devices or cars, according to the [World Economic Forum](#). Many of our daily activities, in areas such as healthcare, energy consumption reduction, transport, crime detection, are already based on [big data](#) – huge amounts of data gathered from different sources, aggregated and analysed through algorithms for automated assessments and decision-making processes. Big data (personal and environmental) is becoming essential to the development of data-driven technologies and services and the [EU digital single market strategy](#) recognises the potential of big data as a driver of the economy and innovation. The European Parliament echoed these considerations in its 2016 resolution [Towards a digital single market act](#).

### Legal challenge

Law enforcement and intelligence services also increasingly rely on these practices, which are not covered by ad hoc legislation. Big data applications may be as [remarkable as they are worrying](#), posing serious risks for privacy, data protection, freedom of expression, non-discrimination and other rights enshrined in the EU [Charter of Fundamental Rights](#). Most Europeans are [concerned](#) about data being collected without their knowledge, or fear that their data are not safe in companies' or governments' hands. In order to increase public trust in these technologies, strong enforcement of fundamental rights is needed to protect individuals from misuse of technologies or the internet (hackers), misuse or abuse of personal data, as well as from harmful effects associated with lack of transparency and control over big data practices.

The [European legislative framework on data protection](#), while not specifically addressing these practices, establishes essential principles to ensure that personal data are only collected and used by private or public actors under certain conditions, with adequate safeguards, for explicit and legitimate purposes, and with fairness. Compliance with these principles is crucial. Recent [judgments](#) of the EU Court of Justice recall that data protection must be effective. In several of its [opinions](#) and [initiatives](#), the European Data Protection Supervisor also stressed the importance of a coherent enforcement of rights in the age of big data, and developed the concept of [big data protection](#). The Supervisor also stressed the need to grasp the opportunities offered by the new technologies without allowing them to dictate the values of our society.

### European Parliament position

The [text](#) of a European Parliament resolution on fundamental rights implications of big data was tabled in October 2016 (Rapporteur, Ana Gomes, S&D, Portugal). The text considers the potential use of big data in both commercial and law enforcement areas, as well as the risks, particularly in terms of unlawful discrimination and bias. It also emphasises the need for greater algorithmic accountability and transparency, calling on the Commission and Member States to ensure, with appropriate guidelines, that data-driven technologies do not jeopardise the exercise of fundamental rights. The [own-initiative report](#) was adopted by large majority in the Civil Liberties, Justice and Home Affairs (LIBE) Committee in February 2017 and is scheduled for vote in the March II plenary.

Own-initiative report: [2016/2225\(INI\)](#); Committee responsible: LIBE; Rapporteur: Ana Gomes, S&D, Portugal.

