

*CalsMUN 2020*

## *Historical Influences*



### Research Report

Forum: Human Rights Council

Personal Introduction  
Issue: Security in accordance with the  
right to personal privacy  
Sal van der Schaar

Chairs: Sal van der Schaar and Daksh  
Khanna



Hi! I'm Sal van der Schaar, I am 16 years old and I will be serving as your chair this weekend together with Daksh. I go to the Stedelijk Gymnasium Haarlem, in Haarlem, where we organize HMUN, although I live in Zandvoort. CALSMUN 2020 will be my tenth MUN conference in total, of which this will be my second chairing experience. In my free time I enjoy playing tennis and hockey, although I won't have much of that the upcoming week(s). I am looking forward to meeting you all!!



## **Daksh Khanna**

My name is Daksh Khanna and I will be co-chairing with Sal at CALSMUN! I live in the Hague and I attend Gymnasium Haganum. I like debating and that's also why I love Model United Nations. CALSMUN will be my tenth MUN, but also my first time chairing in a Human rights committee. In my free time I play the piano, I love to read (I'm a nerd ;)), I learn languages, and I enjoy hanging out with friends. I am very excited to meet you all at the MUN and I am sure we are going to have a very, very fruitful debate!





## Introduction

The question of the amount of privacy we are willing to give up in order to maintain security and national peace has always been a controversial item to debate upon. Opinions are widely divided on the matter, with one side advocating for the right to full privacy, and the other proposing the 'nothing to hide' argument, which states that if an individual has nothing to hide, they should not oppose governmental surveillance. Both arguments have some points, and therefore a middle ground has to be found.

After the attacks on the World Trade Center on the eleventh of September in 2001, governments around the world became more alert, and started to pay more attention to potential security threats. This led to a decrease in privacy of civilians and governments surveilling their civilians more, under the guise of maintaining security. Most people accepted the change, as a result of the vicious terrorist attacks that preceded it.

In 2018, Mark Zuckerberg and Facebook were involved in a big privacy scandal, with them confessing to selling personal data to third parties, namely Cambridge Analytica. This caused an uproar worldwide, with people wondering whether any of their information was safe. Following this, people became more and more aware of privacy issues and started to closely pay attention to privacy laws and issues.

## The Committee

The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe.

It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.

## Definition of Key Terms

### Right to privacy

The right to privacy remains without widely accepted definition, as it is a right explained through laws. However, a good description of the right is the following: the right to privacy is our right to keep a domain around us, which includes all those things that are part of us, such as our body, home, property, thoughts, feelings, secrets and identity. The right to privacy gives us the ability to choose which parts in this domain can be accessed by others, and to control the extent, manner and timing of the use of those parts we choose to disclose.



## Nothing to hide argument

Argument that states that government surveillance programs do not threaten privacy unless they uncover illegal activities, and that if they do uncover illegal activities, the person committing these activities does not have the right to keep them private.

## National security

Although national security is a mostly ambiguous term and there have not been clear definitions set, there are many different explanations and definitions, which include common grounds such as freedom of military threat or political coercion for everyone in the nation, including citizens. This is viewed as a duty of the government

## Personal data

Any information relating to an identified or identifiable individual.

## Data controller

A party who, according to domestic law, is competent to decide about the contents and use of personal data regardless of whether or not such data are collected, stored, processed or disseminated by that party or by an agent on its behalf.

## General Overview

As of the fourth of September of 2019, eighty countries around the world have in place privacy laws in some way or form, most of them entailing rules concerning privacy on the internet. Most laws say that a party collecting data of an individual must inform them of their actions, and simultaneously obtaining their consent.

Within national security in accordance with the right to privacy, there are many questions to be asked. Firstly, if the surveillance of the government of their civilians is moral, even if it is seemingly justified with the perseverance of national security. Secondly, to what extent a government is allowed to collect data on and of personal data. The answer to these commonly asked questions have no universally accepted answer, considering the complexity of the two questions combined.

A case could be made for saying that surveillance of citizens is immoral, as everyone is entitled to their own right to personal privacy and security, therefore people believe it is not just for a government to investigate them and what they do, especially if there is no suspicion



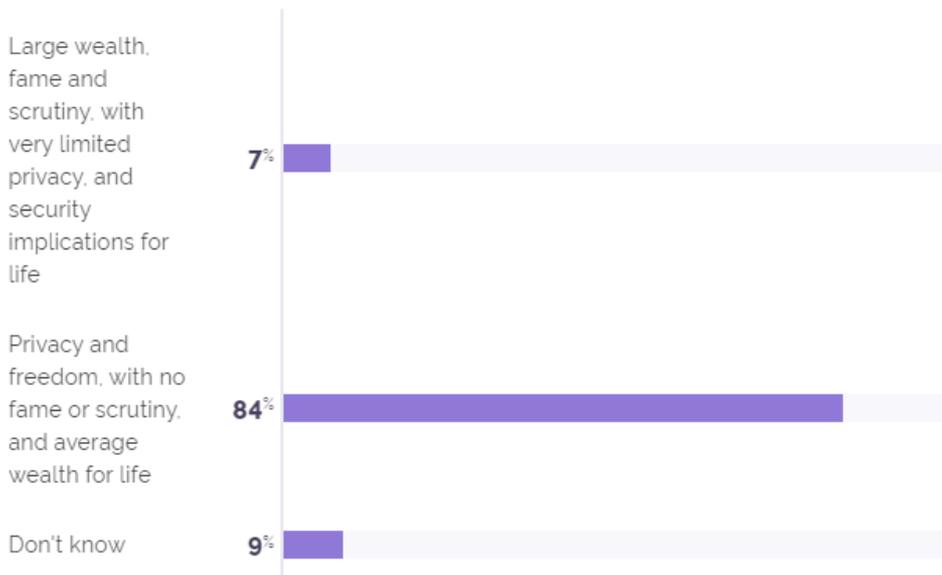
of felons or crimes committed. Most people and governments included criminals are in their right to be investigated by law enforcement.

To the second question there are also polarised answers, as there is a large group of people who believe that the government, in no way, should look into the matters of law-abiding citizens. Others believe the government has an entitlement to look into their citizens if there is any suspicion on them, even if the allegation or judgement is unfair

That does not remove anything away from the fact that, according to a YouGov poll, most people would rather live away from publicity and secure to themselves with full privacy.

## Thinking about your future, which would you choose?

[All adults](#) [Region](#) [Gender](#) [Politics](#) [Age](#) [Social Grade](#)





## Major Parties Involved

### Organisations

#### **Organisation for Economic Co-operation and Development (OECD)**

The OECD provides as an organisation to help develop international conceptions of privacy, which they have done previously in 1980, when they adopted guidelines governing the protection of privacy and transborder flows of data, and in 2007, when they adopted the Recommendation on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy

#### **Asia-Pacific Economic Cooperation (APEC)**

APEC has set boundaries for their member economies to follow regarding privacy in 2004 and 2011 with frameworks and rules, which improve and balance the transfer of information across borders and improve general privacy.

### Countries

#### **European Union (EU)**

The EU also has set precedents for data laws, such as the 1995 Data Protection Directive, a directive all member states have to adhere to, by adopting strict privacy laws with the framework in the aforementioned directive. The EU has updates this directive in 2018, adding a right to be forgotten, which states that any party collecting data on an individual must delete it upon their request.

#### **United States of America**

In the USA, security is recognised as a core principle, and thus many administrations have paid massive attention to it. In 1947, the National Security Act was signed. This act contained three important factors to divide American security. Since then, many presidents, secretaries and ministers have made their comments on national security, and the message and definition it conveys. This makes the USA an experienced power on this issue.



## Timeline of Key Events

<b>Date</b>	<b>Description of Event</b>
1945	Universal Declaration of Human Rights adopted, which gave everyone a right to their privacy
1980	OECD adopts voluntary OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, which defines personal data, and other terms
2013	UNGA Resolution 68/167 adopted on the right of privacy in the digital age
2018	Principles on Personal Data Protection and Privacy for the United Nations System were declared

## Previous Attempts to Resolve the Issue

Multiple UN proposals have attempted to do something about security, namely the International Covenant on Civil and Political Rights in 1966, General Assembly resolution 68/167 in 2013, and finally the Principles on Personal Data Protection and Privacy for the United Nations System which were declared in 2018

## Possible Solutions

Delegates could try to focus on finding common grounds and definitions for terms that were mentioned to not be defined in this research report. Coming up with new definitions could set a precedent for solutions. Delegates could also look at previous resolutions, directives and



acts to come up with new solutions, finding a compromise, while simultaneously taking citizens' rights, which are set in multiple conventions and also the UDHR.

## Bibliography and Further Reading

<https://www.oecd.org/internet/ieconomy/oecdguidelinesontheProtectionofPrivacyandTransborderFlowsOfPersonalData.htm>

[https://en.m.wikipedia.org/wiki/National\\_security](https://en.m.wikipedia.org/wiki/National_security)

[https://en.wikipedia.org/wiki/Privacy\\_law](https://en.wikipedia.org/wiki/Privacy_law)

[https://en.wikipedia.org/wiki/Right\\_to\\_privacy#Definitions](https://en.wikipedia.org/wiki/Right_to_privacy#Definitions)

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)

[https://en.wikipedia.org/wiki/Nothing\\_to\\_hide\\_argument](https://en.wikipedia.org/wiki/Nothing_to_hide_argument)

<https://poseidon01.ssrn.com/delivery.php?ID=303127090027119067020120066099122109055040034038059056067025099025116089121079102077124122059008021029045114091088097029013095061060042093055123125092012091005097005007030105006004068086000119079076082123000114102000078071101117006071067064078078078&EXT=pdf>

<https://www.privacypolicies.com/blog/privacy-law-by-country/>

<https://yougov.co.uk/topics/philosophy/survey-results/daily/2018/05/21/4a49c/2>