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Surveillance, Trust and Big Data – The Socio-Legal Relevance of Online Traceability

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Data – such as individual traffic data – makes many promises indeed, and therefore asks normatively relevant questions of who should have access to it and for what reasons. Never before have we been so measurable by the tools, platforms and infrastructure we depend on for our professional and private life. This is of course a potent pool of information for law enforcement when imposed by governmental legislation, but has likely a limit in terms of legitimacy by the people whose data is retained. Using Sweden as a case, this study empirically studies public opinion and social norms on online surveillance and governmental data retention, and makes an analysis in terms of trust, legitimacy and the role of personalized Big Data for law enforcement. Research questions that will be addressed are the following:

1. What are the limits of legitimacy and our trust for governmental agencies retention of our traffic data, for example, what type of information do we find acceptable to be collected and by which governmental authority and under what circumstances?
2. How does this public level of trust relate to contemporary legal development, such as the Data retention directive and increased political appeal for ISPs to store data for a longer time?
3. On the more speculative account, and bearing the present social acceptance of CCTV in mind albeit much debated when introduced, how could we understand and expect the public opinion on online traceability and data-driven tracking will shift over time?

We have in the DigiTrust research group performed a quantitative survey online with 1060 respondents in Sweden, which will be analysed and elaborated on in this study. The results so far indicates that it is of most relevance what authority that have access to information, and that this is assessed and approved by defined instances. It is the automated and routinized retention that the most do not approve of.