Preface

This study is principally concerned with the ethical dimensions of identity management technology – electronic surveillance, the mining of personal data, and profiling – in the context of transnational crime and global terrorism. The ethical challenge at the heart of this study is to establish an acceptable and sustainable equilibrium between two central moral values in contemporary liberal democracies, namely, security and privacy. Both values are essential to individual liberty but they come into conflict in times when civil order is threatened, as has been the case from late in the twentieth century, with the advent of global terrorism and transnational crime.

We seek to articulate legally sustainable, politically possible and technologically feasible global ethical standards[1] for identity management technology and policies in liberal democracies in the contemporary global security context. Although the standards in question are to be understood as *global ethical standards* potentially to be adopted not only by the United States (US) but also by the European Union (EU), India, Australasia and other contemporary liberal democratic states, we take as our primary focus the tensions that have arisen between the US and the EU.

This tension provides a good example of the kinds of challenges involved in developing global standards. It is exemplified by the 2006 disclosure concerning the US government's access to SWIFT transactions and the controversy that has followed it, as well as the earlier and ongoing controversy over the 2004 US–EU Passenger Names Records (PNR) agreement. It also makes itself known in the ongoing debate over national identity cards. The first two conflicts make it clear that, however difficult it may be to develop global standards for the management of personal data, such standards are needed and that every effort should be made to develop them or at least to implement procedures for addressing conflicts among them.

Naturally, authoritarian states do not share the liberal values underlying this project – values such as individual autonomy and privacy. Nevertheless, to the extent that such authoritarian states are evolving or are likely to evolve toward some form of liberal democracy, the results of this study will also be relevant to these states. Our purpose is to articulate standards and institutional initiatives that are sufficiently specific to determine – or at least substantially constrain – the requisite detailed security and privacy policies and prescriptions in national as well as international and transnational jurisdictions.

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1   Gijs de Vries, "Terrorism, Islam and Democracy", EurActiv.com, March 4, 2005, at: http://www.euractiv.com/en/security/gijs-vries-terrorism-islam-democracy/article-136245.

The project distinguishes itself from other work in this field in two major respects. Firstly, the multi-disciplinary team of experts brought together for this project has enabled the integration of: (a) ethical principles, (b) national and international legal considerations, (c) effective law enforcement practices, (d) oversight and accountability concerns and (e) knowledge of existing and emerging technology, such as database mining and knowledge discovery technology, in the development of a framework of determinate and feasible ethical standards for identity management technology in the global security context.

Secondly, the study has drawn on an international team of experts and focuses on common international standards and solutions, as befits the trans-jurisdictional and transnational nature of the problems to be addressed. Specifically, the project involves not only US personnel and institutions but also EU, Indian, and Australasian expertise.