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EDITORIAL

Privacy and social networks

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From the legal point of view, the global character of the Internet calls for regulatory systems that cross national borders and can overcome physical distance and the political, linguistic and cultural barriers present in all countries. These rules must also be capable of responding to activities which are being developed online, for some challenges and opportunities, while for others a source of unresolved conflict.

Although this need is not focused solely on the legal field, its impact on legal rights is patently obvious. Any change occurring on the Internet has an influence on law, where a variety of instruments are used to try to adapt to the generated needs.

The current issue of the journal presents a series of articles from various disciplines which attempt to provide a legal response to situations that arise as a result of the development of new activities as the Internet expands, as well as information and services offered on the net.

Ana María Delgado García analyses the effect of value added tax on shopping on the Internet by looking at aspects such as how to establish the geographic location for purchases made over the Internet, the application of special VAT norms for Internet shopping and the regulation of electronic invoicing.

Also on taxation is an article by Rafael Oliver Cuello, who discusses the consequences of electronic commerce at an international level, focusing on the nature of income, the determination of place of residence of the intervening persons and the controversial application of the concept of permanent establishment for electronic commerce.

Moving on to other matters, Alicia Chicharro Lázaro analyses the legislative work carried out by the Council of Europe with regard to the use of the Internet for purposes of terrorism. An account of the risks derived from cyberterrorism forms the starting point for an examination of work on regulations promoted by the Council of Europe which, in the author's view, does not leave any loopholes for confronting this phenomenon. However, in accordance with the 2007 report published by the Council of Europe's expert group on terrorism, she does think that, from a legal point of view, the largest problem is a result of the lack of ratification of existing instruments.

Blanca Torrubia Chalmeta centres on infringement of intellectual property laws on the Internet. Based on an analysis of the essential function of the trade mark, she examines the conditions for brand use on the Internet that are in effect in a particular country and specific uses of brands that may constitute an infringement of trade mark laws on the Internet.

Apart from these articles, this edition also features some of the presentations from the 5th Internet, Law and Policies Conference held on 6 and 7 July 2009 at the Barcelona Province Support Centre of the UOC.

In our efforts to move the debate on the juridical and political aspects of new trends on the Internet from the virtual to the real world, the attention of the 5th IDP Conference focused on social networks, which are known to create great interest among members of the public. The Spanish statistics agency reports that a 2008 survey on hardware and home use of ICTs found that 1 in 3 young people in Spain participate in social networks. More than these figures, what is truly surprising is the growth in the number of networks springing up for professionals (such as Xing or LinkedIn) and social or leisure networks (Tuenti, Fotolog, Facebook, Orkut and Twitter to name but a few).

In spite of the wide acceptance of social networks and their extension throughout the Internet, the risks they entail should not be forgotten. In a report on security in social networks, the Spanish National Institute for Communication Technologies states that these risks mainly come from a lack of full awareness among users of what can be done with their personal details. The very essence of the functioning of these networks means that personal details can be used in unlawful ways, that personal profiles can include unauthorised or false information and that full and unlimited rights to all contents can be transferred.¹

Leaving aside the social impact of these networks, institutions and experts have recently started to analyse the impact they have on personal details, privacy, childhood, adolescence, etc. The agencies concerned with data protection (INTECO, also known as the 'article 29 group') have, in recent months, focused their energy on several topics surrounding social networks and the presentation of the work at the 5th IDP conference, and the debates around it, have been included in four articles in this monograph.

First of all, Ignacio Alamillo talks about some of the policies and achievements in Catalonia and the rest of Spain that further information security.

Then, Antoni Roig reflects on the impact of social networks on private lives and the possibilities of diffusing technology that can guarantee privacy, facing up to the multiple risks generated from within the social networks.

The third article is Franck Dumortier's warning of the possible risks from what he calls the loss of context of information provided by users of social networks such as Facebook. These risks relate to individual autonomy in the handling of information and to matters of privacy.

Daithí Mac Síthigh closes the monograph with an expressive commentary on some of the talks and presentations given during the two-day IDP Conference, exploring the variety of approaches to social networks.

Also, in the academic activities section, this issue reports on the activities set up at the UOC Department of Law Studies and Political Science over the last few months.

Ana Delgado gives an introduction to the third workshop on contemporary taxation problems, which focuses on the analysis of the most important new features that were included in procedures for tax management and inspection by Royal Decree 1065/2007, 27 July and subsequent complications arising in day-to-day practice.

The main topics dealt with in the workshop held on 15 September 2009 are described by Esther Vilalta. The workshop was dedicated to the analysis and systemisation of the principles and standards which govern the variants of alternative dispute resolution (ADR) and online dispute resolution (ODR) and their characteristics, aiming to make progress in the definition of their normative framework as well as their future legal interoperability.

1. http://www.inteco.es/Seguridad/Observatorio/Estudios_e_Informes/Estudios_e_Informes_1/est_red_sociales_es [Accessed: November 2009].

The next feature is the Report on Local e-Administration which was drawn up under the direction of Agustí Cerrillo and Alfredo Galán and presented in the workshop 'Local e-Administration: Horizon 2010' organised in November at the Carles Pi i Sunyer foundation in Barcelona.

Finally, in the section on legal current affairs Jordi García writes about novelties in regulations that have appeared since our last issue in June 2009. Standing out in particular are the norms that have been adopted in recent months in the area of telecommunications and numerous documents, regulations and reports published by institutions belonging to autonomous regions in Spain.