

# Identifying Drug Labs by Analysing Sewage Systems

Bart van der Sloot, Tilburg University, TILT

[www.bartvandersloot.com](http://www.bartvandersloot.com)

# Who is Bart van der Sloot

- Bart van der Sloot specializes in the area of Privacy and Big Data. He also publishes regularly on the liability of Internet Intermediaries, data protection and internet regulation. Key issues are the recently adopted General Data Protection Regulation, international data flows, especially between Europe and the United States, and data leaks. Bart van der Sloot has studied philosophy and law in the Netherlands and Italy and has also successfully completed the Honours Programme of the Radboud University. He currently works at [the Tilburg Institute for Law, Technology, and Society of the University of Tilburg, Netherlands](#).
- Bart formerly worked for the Institute for Information Law, University of Amsterdam, and for the Scientific Council for Government Policy (WRR) (part of the Prime Minister's Office of the Netherlands) to co-author a report on the regulation of Big Data in relation to security and privacy. In that context, he served as the first editor of a scientific book with contributions by leading international scholars and as the first author of an international comparative study on the regulation of Big Data.
- Bart van der Sloot is the general editor of the international privacy journal [European Data Protection Law Review](#). And board member of the [European Human Rights Cases](#).
- Bart van der Sloot is also the coordinator of the [Amsterdam Platform for Privacy Research \(APPR\)](#), which consists of about 70 employees at the University of Amsterdam who in their daily teaching and research activities focus on privacy-related issues. Previously, he was the chief organizer of two major international privacy conferences, namely the Amsterdam Privacy Conference 2012 and the Amsterdam Privacy Conference 2015 with speakers like Viktor Mayer-Schönberger, Helen Nissenbaum, Max Schrems, Amitai Etzioni, Jullie Brill and Gabriella Coleman and will organise the [Amsterdam Privacy Conference 2018](#). He is also a member of the Privacy & Identity Lab.

# APC 2018



# EDPL Young Scholars Award



Interactive debate

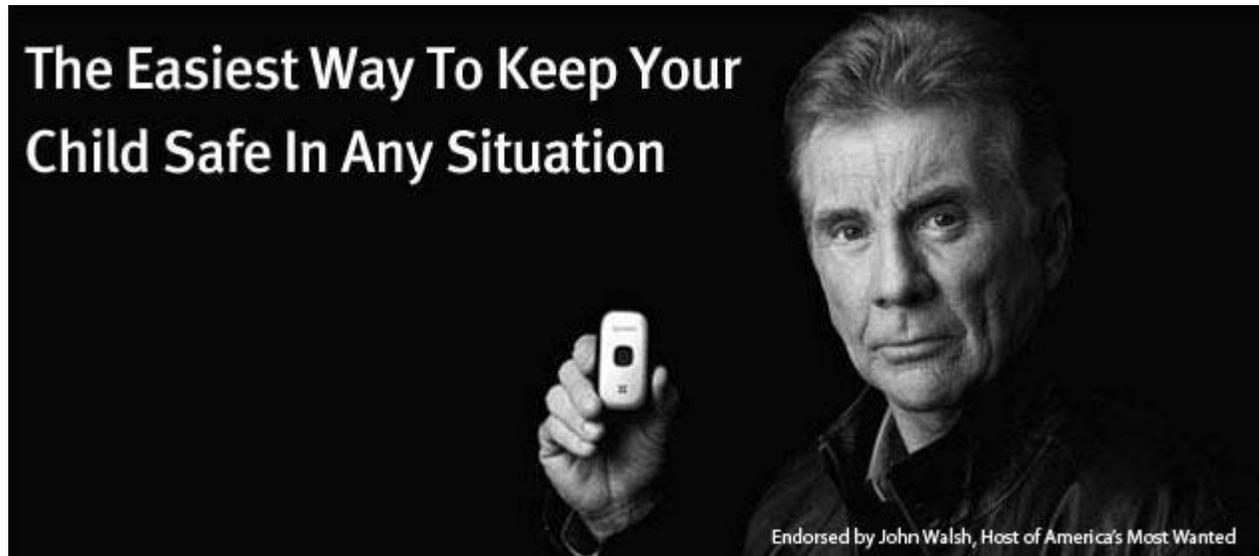
# Question 1



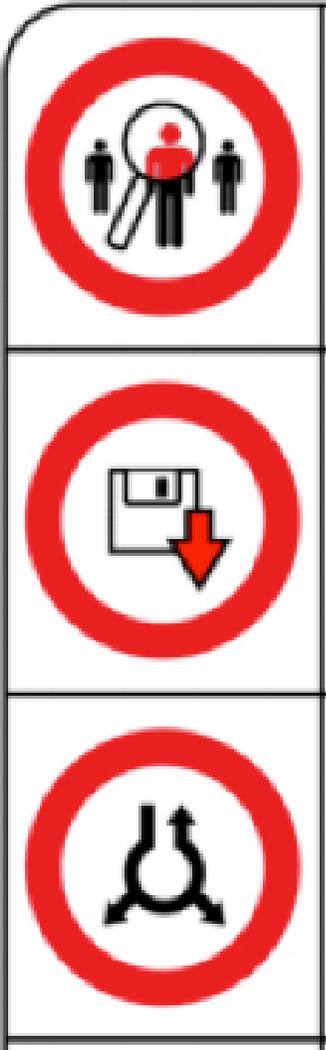
Do you trust the state to protect your privacy?

# Question 2

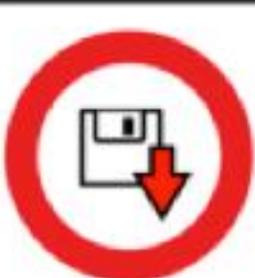
- A mother suspects that her 15 year old son is smoking pot.
- Should she search his room, read his mails and place a tracking device on his telephone so as to keep track of his movements?



# Icons



# Icons

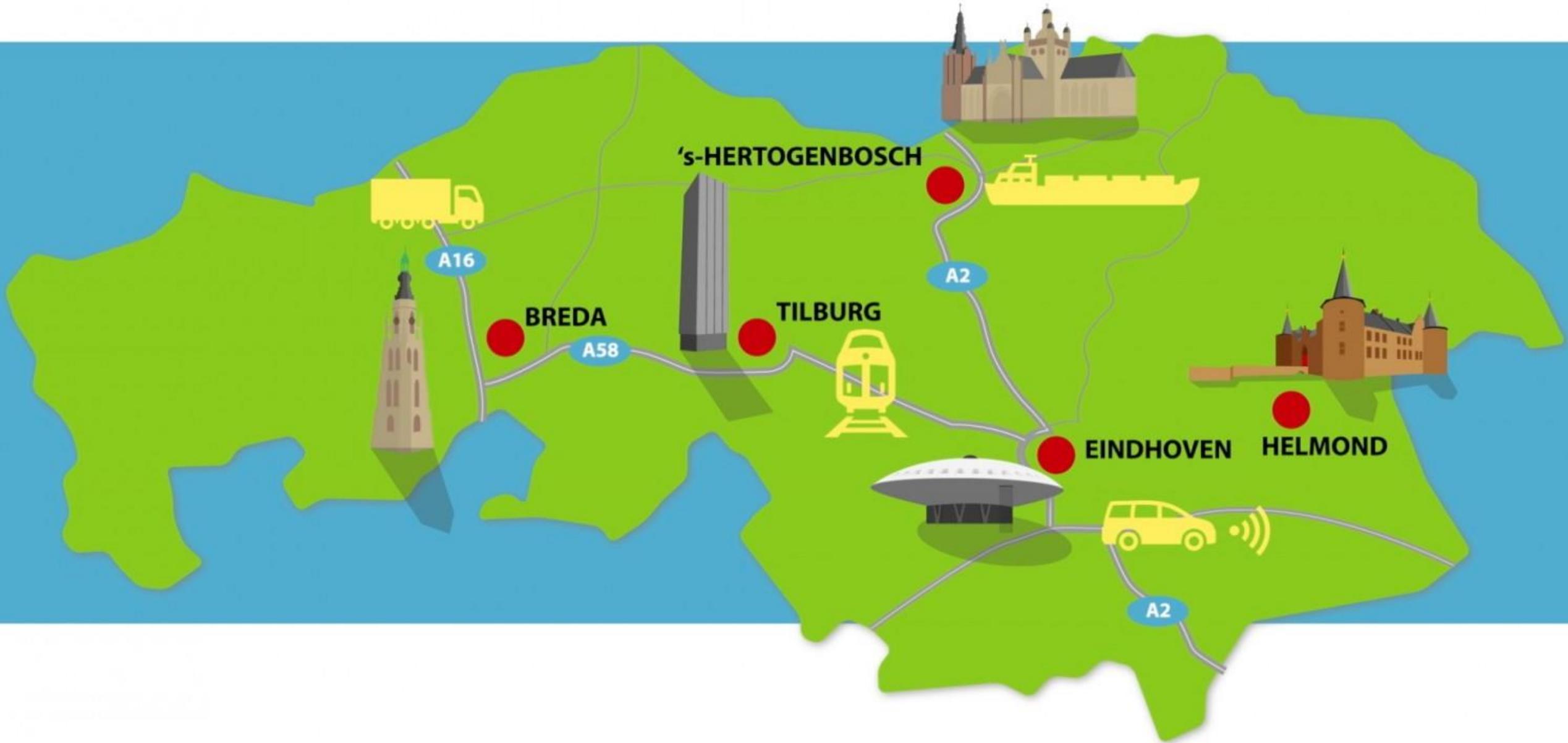
	No personal data is <b>collected</b> beyond the minimum necessary for each specific purpose of the processing		No personal data is <b>disseminated</b> to private third parties for purposes other than the purpose it was provided for
	No personal data is <b>retained</b> beyond the minimum necessary for each specific purpose of the processing		No personal data is <b>sold</b>
	No personal data is <b>processed</b> for purposes other than the purpose it was provided for		No personal data is retained in <b>unencrypted</b> form

Thesis

Privacy is dead, get over it

# Identifying Drug Labs by Analysing Sewage Systems















A close-up photograph of vibrant green cannabis leaves. The leaves are serrated and have a prominent vein structure. The word "Marijuana" is written across the center in a white, serif font.

# Marijuana



Coincidence  
is  
Logical



















Before I  
make a  
mistake, I do  
not make it

← LEGAL

ILLEGAL →

# Addiction

There is a way out













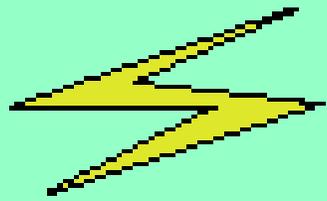
Often,  
something  
must happen,  
before  
something  
happens











# ELECTRIC COMPANY

P.O. BOX 123, Anytown, USA

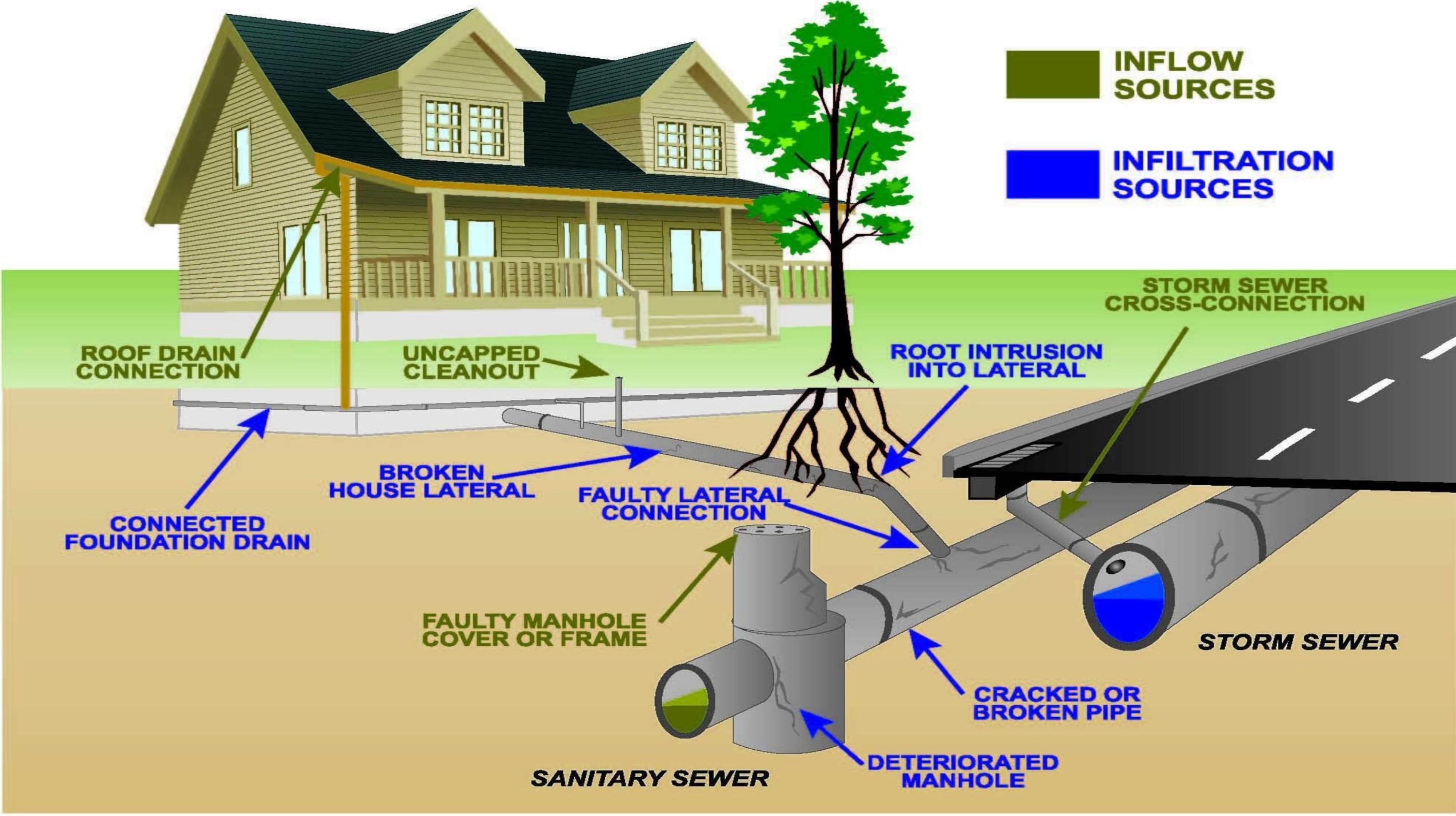
ACCOUNT NUMBER		ACCOUNT NAME				RATE		CYCLE	SERVICE ADDRESS	
123456789		XYZ Manufacturing				Large General Service		708	123 Main Street	
SERVICE PERIOD FROM	TO	NO. DAYS	BILL TYPE	METER READING		MULTIPLIER	KWh USAGE	PEAK DEMAND	POWER FACTOR	
				PREVIOUS	PRESENT					
08/13	09/11	29	0	66543	71345	300	1,440,600	440 kW	75%	

	\$ AMOUNT
CUSTOMER CHARGE	\$10.00
ENERGY CHARGE: (1,440,600 X \$0.005/KWH)	\$57,624.00
FUEL COST ADJUSTMENT (\$0.005): (1,440,600 X \$0.005/KWH)	\$7,203.00
DEMAND CHARGE: (440 kW X \$5/kW)	\$2,200.00
POWER FACTOR PENALTY: (440 kW X \$5/kW)	\$800.00
SALES TAX - STATE: (4%):	\$2,713.48
SALES TAX - SPECIAL: (1%)	\$678.37
TOTAL AMOUNT DUE:	<u>\$71,228.85</u>

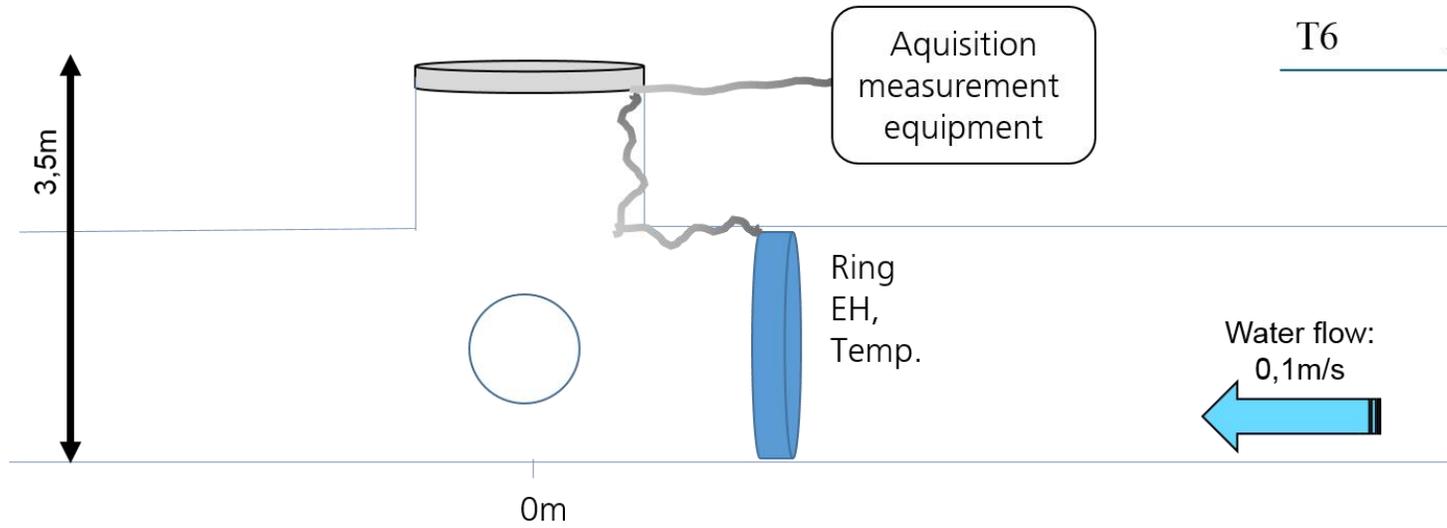


If you are on  
the offense,  
you don't  
have to  
defend

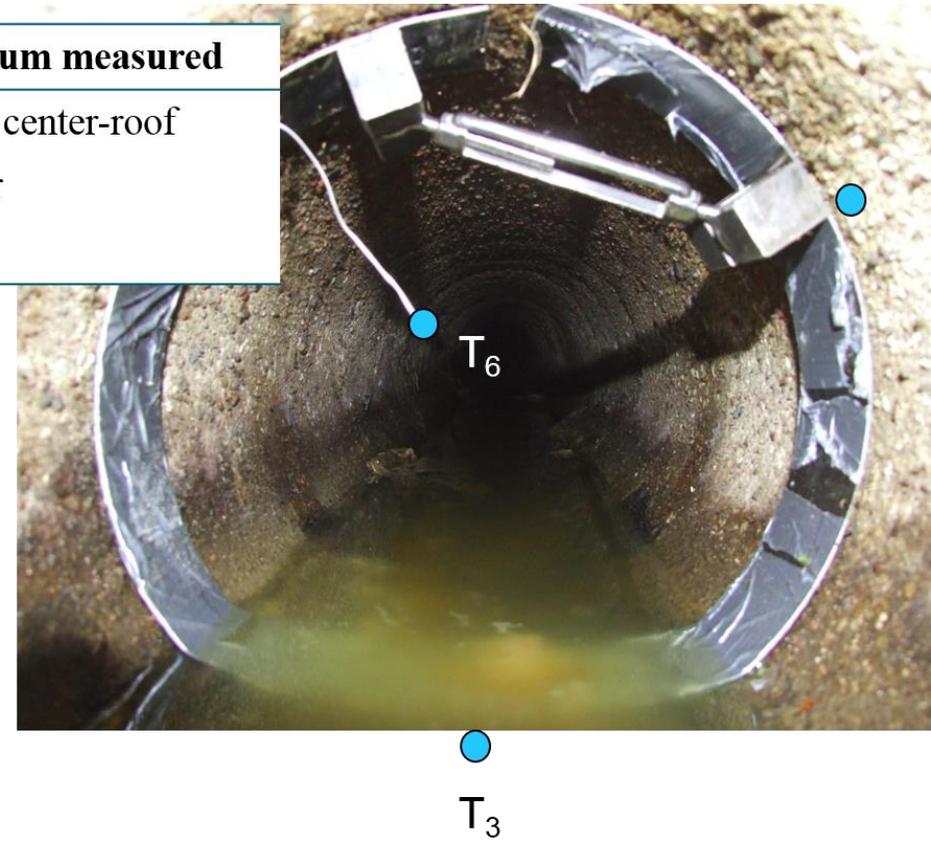


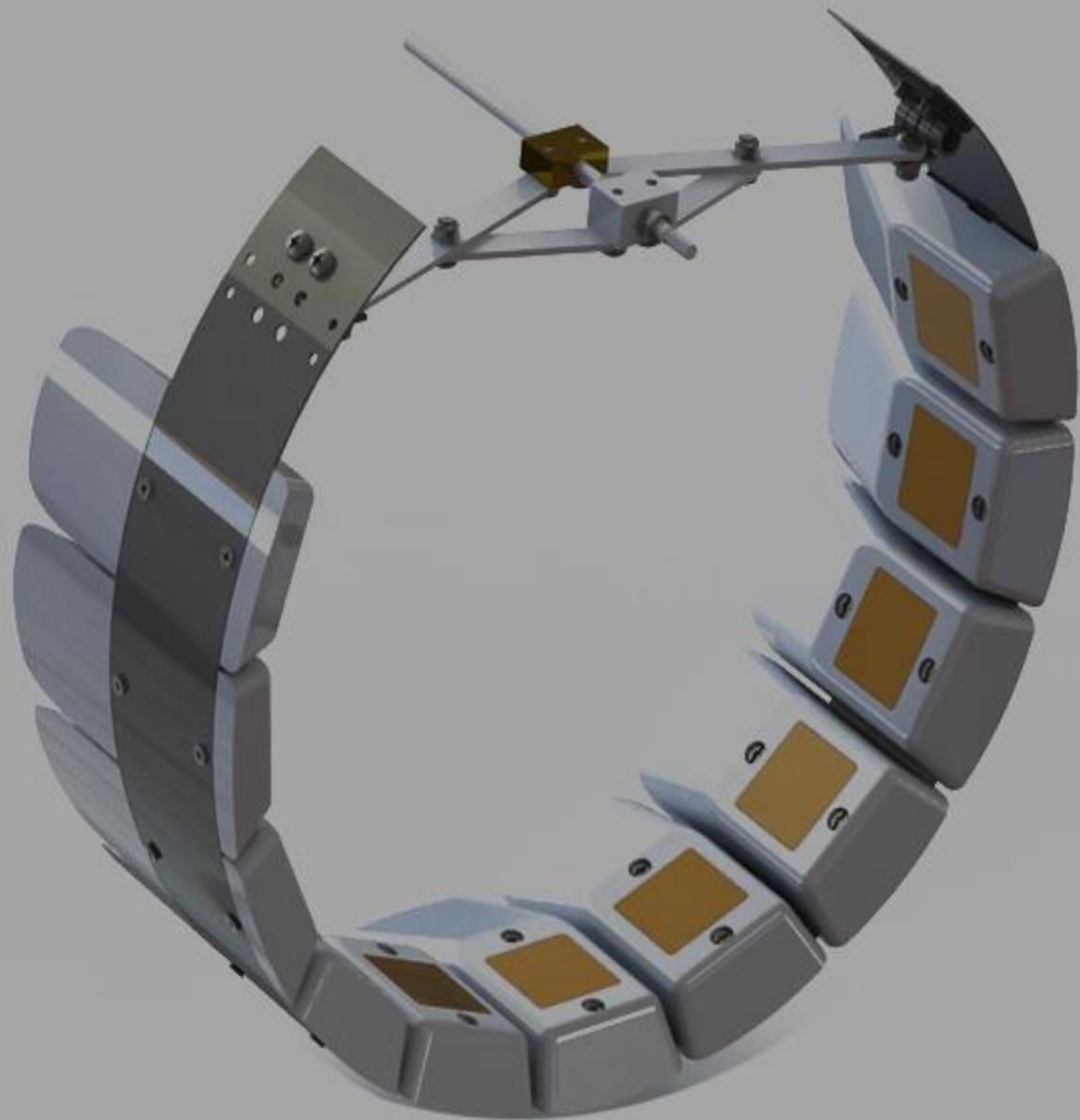






T	Medium measured
T1	Wall, center-roof
T3	Water
T6	Air



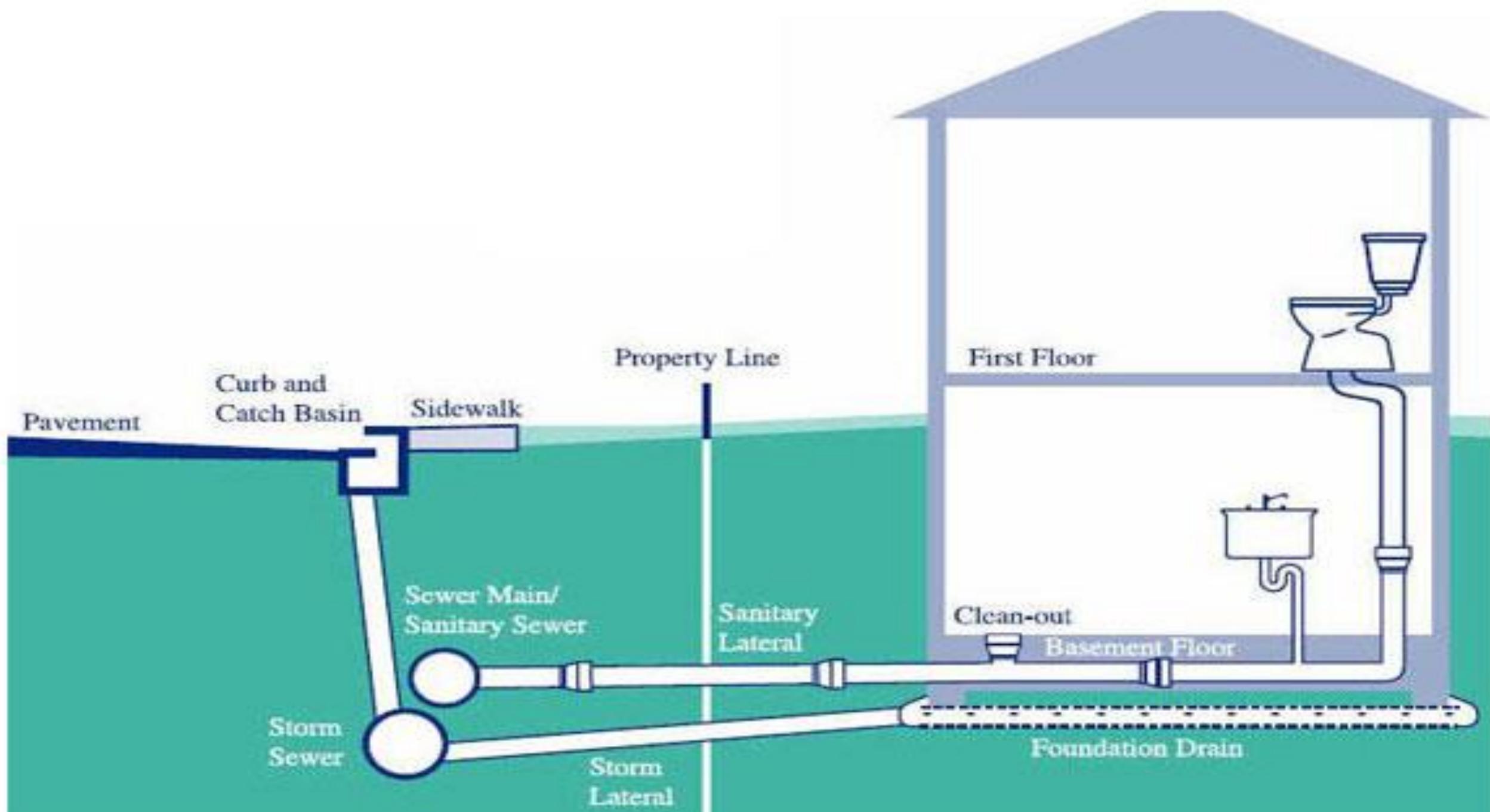




Experience:  
you have it  
or you don't











You only see  
it when you  
get







**CRIME SCENE -**

# EVIDENCE

TO BE OPENED BY AUTHORIZED AGENTS ONLY  
DO NOT OPEN THIS BAG WITH EVIDENCE THAT IS WET OR DAMP

**NOT CR**



Victim's Full Name: \_\_\_\_\_  
Suspect's Full Name: \_\_\_\_\_  
Evidence Recovered By: \_\_\_\_\_  
Evidence Bag Sealed By: \_\_\_\_\_

Item #: \_\_\_\_\_  
\_\_\_\_\_

Time Sealed: \_\_\_\_\_ AM PM  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_

### CHAIN OF CUSTODY

	TO	DATE

CONDITION OF EVIDENCE  
D3 LAB CASE #: \_\_\_\_\_  
OPENED BY: \_\_\_\_\_  
NOTES: \_\_\_\_\_

**FOR AGENCY D3 LAB ONLY**  
UPON RECEIPT: SEALED OTHER \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_



You can play  
well,  
without  
kicking the  
ball

# Legal questions

- Personal data
- Bodily integrity
- Waste
- Home
- Surveillance
- Chilling effect

# Personal data

- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA  
Article 3(1) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

# Bodily material

- 3(12): 'genetic data' means personal data, relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;
- 3(13): 'biometric data' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;
- 3(14): 'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;



# Data Protection Rules

- Article 4: Principles relating to processing of personal data
- Article 8: Lawfulness of processing
- Article 10: Processing of special categories of personal data
- Article 11: Automated individual decision-making
- Article 12: Communication and modalities for exercising the rights of the data subject

# European Convention on Human Rights

- Article 8
- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

# Bodily integrity

- In the ECHR, bodily integrity is protected predominantly under Articles 2 and 3 ECHR. Still, the bodily and psychological integrity of a person, especially in the medical sphere, are primarily discussed under the scope of Article 8 ECHR. For example,
- compulsory tuberculin test
- chest x-rays
- vaccination schemes
- gynecological examinations
- medical treatments
- being forced to share an environment where smoking is allowed
- disciplinary measures and punishments inflicted by a school
- psychiatric examination ordered by a Court
- the requirement that a prisoner produce a urine sample
- a compulsory medical intervention
- the right to euthanasia
- the right to abortion

# Bodily integrity

- Are excrements also protected by one's bodily integrity?
- Are they comparable with bodily tissue?

# Principles to be taken into account

- Legality
- Legitimate interest
- Necessity
- Proportionality
- Subsidiarity
- Effectiveness

# Garbage



# Source of information



# Garbage and excrements

- To what extent can garbage excrements be compared?
  - Res nullius?
  - Freedom to dispose?

# Mass surveillance

- Zakharov v. Russia
- The Court held that there had been a violation of Article 8 of the Convention, finding that the Russian legal provisions governing interception of communications did not provide for adequate and effective guarantees against arbitrariness and the risk of abuse which was inherent in any system of secret surveillance, and which was particularly high in a system such as in Russia where the secret services and the police had direct access, by technical means, to all mobile telephone communications. In particular, the Court found shortcomings in the legal framework in the following areas: the circumstances in which public authorities in Russia are empowered to resort to secret surveillance measures; the duration of such measures, notably the circumstances in which they should be discontinued; the procedures for authorising interception as well as for storing and destroying the intercepted data; the supervision of the interception. Moreover, the effectiveness of the remedies available to challenge interception of communications was undermined by the fact that they were available only to persons who were able to submit proof of interception and that obtaining such proof was impossible in the absence of any notification system or possibility of access to information about interception.

# Mass surveillance

- Szabo & Vissy v. Hungary
- In this case the Court held that there had been a violation of Article 8 of the Convention. It accepted that it was a natural consequence of the forms taken by present-day terrorism that governments resort to cutting-edge technologies, including massive monitoring of communications, in pre-empting impending incidents. However, the Court was not convinced that the legislation in question provided sufficient safeguards to avoid abuse. Notably, the scope of the measures could include virtually anyone in Hungary, with new technologies enabling the Government to intercept masses of data easily concerning even persons outside the original range of operation. Furthermore, the ordering of such measures was taking place entirely within the realm of the executive and without an assessment of whether interception of communications was strictly necessary and without any effective remedial measures, let alone judicial ones, being in place. The Court further held that there had been no violation of Article 13 (right to an effective remedy) of the Convention taken together with Article 8, reiterating that Article 13 could not be interpreted as requiring a remedy against the state of domestic la

# Mass surveillance of sewage

- To what extent can sewage monitoring be compared to mass surveillance over the internet or with respect to telephone communications?

# Chilling effect

- Chilling effect is a term in law and communication that describes a situation where a speech or conduct is suppressed by fear of penalization at the interests of an individual or group. It can affect one's free speech. It can also have an impact on one's sense of privacy.

# Chilling effect



# Sewage monitoring and chilling effect

- Would sewage monitoring have a chilling impact?
  - Usage of drugs in private?
  - Other activities?



Players are influenced. People are also influenced. And players are influenced by people. But that is logical.

# Overview

- Is sewage monitoring legal?
  - Personal data
  - Bodily integrity
  - Waste
  - Home
  - Surveillance
  - Chilling effect
- We do not know....yet



Italians will  
never win  
from you,  
but you can  
lose to  
them.

# Questions

