

New technologies and privacy: some reflections on subjects, legal categories and evolving rights.

Abstract: This article proposes, starting from an IT and legal perspective, a reflection on the main dynamics through which new information technologies have progressively changed the definition and the reciprocal interaction between privacy and knowledge. , focusing on some crucial points from an ethical and legal perspective. The relevance of the debate on these points is testified by numerous initiatives and measures - both European and International - which aim to offer answers, necessarily not definitive but evolving, to phenomena such as the development of the Internet of Things and, more generally, advances in computer technology and in robotics. In this way, issues such as the respect for privacy and individual dignity are raised, to be balanced with the right to inform and be informed, as a sign of an effectively shared knowledge.

Information, in fact, constitutes one of the main economic resources of the production process and, consequently, the activities of collection, selection and monitoring of personal data take on fundamental importance as they are aimed at widespread targeting and customer loyalty while, in turn, the delineation of individual profiles and preferences contributes to influence subjective behavior. So, the right to privacy, which need known to man since ancient times, progressively takes on a new meaning and a new sphere of action: from the individualistic protection of the right to be left alone to having the full control over your information, assuming both individual and collective importance, as can be seen from National and European legislative provisions, from the recent rulings of the European Court of Justice and from the Recommendations of the Privacy Authority.

The traditional debate on privacy becomes even more heated when it comes to monetization of data, that is, when it is privacy itself that becomes an economic resource and when it is users who sell it in exchange for “free” services, as it is evident how personal informations are intimately connected to the rights of the person and, therefore, raising their economic exploitation pressing ethical and legal questions that involve fundamental rights.

On the other hand, in the information society, the sharing of data, and mainly of the so-called Big Data - through data analysis techniques such as Data Mining and the most recent Business Analytics, capable of extracting significant information from masses of data researching and examining any possible correlation between data and the algorithms used in the decision-making process – it is of a central importance. These informations, in fact, if analyzed individually, may not be significant but, if examined with the appropriate information technologies and in large volumes

can lead to the delineation of models and trends capable of producing properly knowledge. In this sense, it is evident that the pervasiveness of information technologies, mainly of the Internet of Things, has increased and facilitated digital surveillance practices, making anyone who uses a computer device connected to the network easily traceable and monitored. From these hints, it is therefore easy to understand how the term "personal data" should be currently understood in an evolutionary key (S. Rodotà), following the direction indicated by the OECD guidelines of 2013, including the information produced, voluntarily or involuntarily, by smart objects.

The cooperative and participatory use in the public sphere of some types of Big Data can be of sure social interest. This is the case of sharing information in a smart city, of the monitoring of data aimed at implementing environmental protection and, above all, of the scientific context where the sharing of knowledge opens up to the development of scientific research and its results, principles that constitute the fulcrum of the democratic participation that would like - as recalled by art. 19 of the Universal Declaration of Human Rights - free and legally guaranteed access to knowledge and culture. The diffusion of ICT has, in fact, significantly transformed citizens' approach to the scientific world, opening up to a democratization of scientific knowledge with consequent strengths and problems (L. Palazzani). This is especially evident in the area of health where, first of all through large-scale monitoring and collections of masses of data, a "collaboration", an interaction, has been established between scientists, laymen and political institutions, with positive consequences both for the individual and for the community, allowing the development of a citizenship that is more respectful of health and the environment.

In other cases, the use of such technologies raises significant problems concerning the protection of personal data, their economic exploitation, the presence of an effective awareness and freedom in the manifestation of consent to their treatment. Further unknowns, resulting, above all, from the use of Big Data, are represented by the polarization of information in the hands of a few digital intermediaries which could lead to a concentration and distortion of information (*fake news*). This issue could be aggravated by the lack of transparency and by the selectivity of the criteria underlying the functioning of the algorithm used to search for informations.

These issues are reflected in the full implementation of the rights of freedom and in the future of democracy, thus, all the urgency of an effective regulation of Big Data and, more generally, of personal information circulating online is shown, inspired by constitutionally guaranteed values and aimed at protecting the individual and the collectivity from the improper use of information technologies, in perspective of an innovative delineation of models of active digital citizenship. In this regard, some Value Charts have been developed with the aim of incorporating core values into algorithms created and with the purpose of avoiding a dictatorship of the algorithm (Rodotà), in the

full enhancement of a knowledge reconciled with the respect of freedom, dignity and diversity of each person. This takes on a fundamental ethical meaning, even before legal and prescriptive, directed at guaranteeing the pluralism of values and the dialogue typical of every pluralistic and democratic society.