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The phenomenological experience of data and its implications on the notion of autonomy in data protection regulation

Many scholars question if the current system of protection of personal data is adequate to respond to the increasing datafication of society which is spurred by technological progress and globalisation. This panel discusses how this problem may be related to a misconception of the concepts of the “autonomous” individual and (personal) data as well as the relationship between those notions. This panel applies phenomenological investigations of autonomy and data protection and asks whether the European General Data Protection Regulation (GDPR) can be better understood through a (phenomenologically) broadened notion of autonomy and data.

The “autonomous individual” will be questioned in multiple ways: First, we ask to what extent human autonomy can be meaningfully understood as independent from the data which is generated in everyday life. Second, we ask how autonomy can be conceptualized in the face of interconnected algorithms and machines that are specifically designed in ways that subvert classical notions of autonomy. Third, we discuss how human autonomy is constituted through collective action and collective practices, and how the GDPR supports such a social notion of autonomy by providing various legal tools, such as in particular the right of access to personal data and collective representation by NGOs, which are successfully being used citizens and civil society and the media.