

*Catching Criminals, while Protecting Privacy?* □  
**Criminal Investigations in the Age of Smart Data – a  
Transatlantic Perspective**

*Bologna, May 12 – 14, 2015*

In Western criminal justice systems the manifestation of “reasonable suspicion” marks the situation when the individual’s position is transformed: a citizen must – if not stand trial – stand investigations that intrude into all spheres of life, including the very private. This fact has given rise to manifold laws, rules, and discussions, on both sides of the Atlantic. Lately, the use of so-called Big Data (or Smart Data) that has been generated privately by individuals using smart technology, has raised new issues. It is the aim of this conference to reflect on how secret surveillance has not only become a very important tool as a means of investigations in criminal trials in the U.S. and most European jurisdictions, but to reflect on how privacy must be understood in an age of smart data and widespread electronic surveillance as well as the implications for criminal investigations.

The conference will focus on:

- A. Concepts of privacy on both sides of the Atlantic, newly defined in the digital age.
- B. Legal frameworks for surveillance in criminal procedure, including traditional safeguards protecting the individual’s position.
- C. The practice of surveillance in different countries. How and when is technological observation used and “smart data” mined in criminal investigations? What are the forms of surveillance, what safeguards are provided for (at national levels)? How should we frame the debate when it implicates not only the privacy of the citizen but also the secrecy of the state and its investigators?
- D. The future of traditional criminal justice tools in the digital age, such as exclusionary rules protecting individual rights in criminal proceedings using evidence from surveillance, and possibly Constitutional guarantees (EU Court of Justice; ECtHR; US Supreme Court).

**EARLY CAREER SCHOLARS SESSION**

**Criminal investigations and the Challenges of the Digital Age**

Criminal investigators have a variety of new tools available to them, as people’s lives spill over the digital divide and into cyberspace. This session will examine new forms of surveillance and data mining (e.g. using data from social media, Facebook etc.) and how they impact on criminal investigations and proceedings. Panellists will examine the changing conceptions of privacy and the ways in which they are protected by substantive and procedural law. They will consider how the law defines and defends individuals’ privacy in data and digital correspondence and the limits it places on investigators access to and use of personal information that is now available thanks to digital technologies.