

CYBERBULLYING

Péterfalvi Attila:¹
MOCK Conference conclusions

I would like to sum up the conference with two quotes. The one is cited from the 2006 study titled “Internet use and net life construction” of Dr. László Ropolyi²: „*the internet is neither good nor bad – it is merely a feature. A mirror. It appears that what thereby evolves is not radically new. Network life inherits the numerous annoyances and weaknesses.*” the other citation comes from the 2011 study titled “The cyber kid and the bicycle” from Katalin Parti (National Institute of Criminology) and György Virág³: „*children surfing online often and too long usually lack the capability of empathy and face reading, they cannot perceive fine signals which are expressed other than verbally or in writing which can result in various conflicts during offline communication.*”

The two quotations above refer to the keynote speech of the conference. According to Edina Kastory (National Media and Infocommunications Authority, Commissioner for Media and Infocommunication) this is an interdisciplinary problem and, therefore, the solution should be the same. She highlighted the need for joint collaboration of adults. Krisztina Karsai (vice-dean for education affairs, University of Szeged) affirmed that we would need a complex approach as the online harassment needs to be addressed by novel and complex legal solutions. I could not agree more.

I think the conclusions should be dedicated not only to the participants of the conference but mainly to those who are not present. This is confirmed by the presentation of András Koltai (National Media and Infocommunications Authority, Media Council) as well who noted that the state *is listening*. I am wondering whether the state is truly listening. Is it listening at the appropriate place and the appropriate time, indeed? I am convinced there are still areas where more attention should be paid to, in addition, more preventive actions would be needed. I think these are the key points. Prevention could be fostered primarily by education and the training of teachers.

I think – without hyping it – that perhaps the ARCADES („*Introducing dAta pRoteCtion AnD privacy issuEs at schoolS in the European Union*”) EU project, involving also the NAIH as a consortium member – can contribute to extending the data protection knowledge. In the context of the project a methodological manual on data protection has

¹ Closing speech of Dr. Attila Péterfalvi, President of NAIH

² László Ropolyi: *Internet usage and the construct of the social networks*. Budapest, 2006.
http://www.infonia.hu/digitalis_folyoirat/2006_4/2006_4_roplyi_laszlo.pdf (Downloaded 16th February 2016)

³ Katalin Parti & György Virág: The cyberkid and the bicycle, Study about The specifics of the internet use of children in Eastern Europe. In: Virág Gy. (editor): *Criminological Studies 48. OKRI*, Budapest, 2011, 48. p.
http://www.okri.hu/images/stories/KT/KT_48_2011/004_2_parti-virag_29-48.pdf (Downloaded 16th February 2016)

been compiled for teachers which can promote prevention by supplying practical and conscious internet usage for children. András Koltai thinks that parents should be excited rather than children. Moreover, children should be taught on how to use the internet properly. I believe it should also be explained what is wrong. We are in a better position in that a basic principle of data protection is the requirement of fair data processing. Finally this refers to some kind of moral content. As of fall 2006 all of my presentation slides illustrate what Europe makes Europe – beyond moral rules: the Greek philosophers, the Roman legal academics, the Old Testament and the Christianity. Right after it can be struck through and be replaced with the term of empathy. This was raised in the lecture of Árpád Mihalik (SZTE Psychological Institute) as well who said that sharings should be postponed. That is to say, one should reconsider the disclosure of personal data. The video clip created at our request by Tamás Vastag performer promoting our “Key to the net!” publication echoed the same key message. Its major note is the following: „Think before disclosing your personal data! Are you using privacy settings?” But referring also to the moral standard of the society: he assumed to create this clip, afterwards a society campaign was produced for free which contains information, e.g., how much information is being shared and what data are being downloaded daily. Right after I have got a request for data of public interest enquiring after my position over why I think this information may imply anything important. My short reply as followed: my thoughts did not constitute data of public interest.

Regarding the conference I would also mention some shortage without formulating critical remarks. I am rather wondering from a scientific point of view – given that I am a civil lawyer and have been teaching civil law and data protection law since 1986 – how the criminal law relates to the various aspects of online intimidation, how different offences are categorised we heard or how the abuse with personal data would be assessed. The *portrait* is exhaustively listed in the Act CXII of 2011 on Informational Self-determination and Freedom of Information as *photographing*. If the portrait constitutes personal data and taking a photo is to be regarded as data processing then why does its unlawful disclosure and sharing not constitute abuse with personal data? If somebody is heterosexual or transsexual an abuse with their data why does not establish misuse with special personal data, why is not it an aggravated case of the criminal offence in question? Why do we allow – “allow” certainly as a rhetorical question – that only the politics takes advantage of the unlawful processing of personal data judging it as a criminal offence relating to general elections?

Why does not constitute a criminal offence displaying a minor as a victim of a sexual abuse without covering his/her face? How could the investigating authority declare that there is no prejudice to personal interests?

Finally I would like to mention that I decided to launch the Children’s rights project of the NAIH in 2007 because I attended the International Data Protection Conference in Montréal in 2007 with the motto ‘terra incognita’” where the major topic was the complex approach to minor’s rights and internet. For objective reasons, however, I could revise this plan only in 2013 and, since then, the protection of children has become an area of our Authority. We are striving to make every effort; we have quite good contact

with Facebook as well. Formerly it was stated that not all privacy settings and information of Facebook are available in Hungarian. True, indeed. We try our best with Facebook – its data protection officer is of Hungarian origin – to make them create more and more privacy settings in Hungarian as well. (On a side note, the data processing practice of Facebook could be interesting to privacy experts following the Safe Harbour decision.)

Thus, in any case, I think this conference has been very useful; I would like to thank you for organizing it and wish you a successful continuance.

I believe the education work and awareness-raising programmes for children of state institutions and civil organizations will be needed in the future as well but, of course, it would be good if we saw a higher level state involvement.

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