



Call for Applications: PhD Position on Data Ownership

Deadline: 30 June 2017

The [Brussels Privacy Hub](#) (BPH) is an academic privacy research centre with a global focus. As an entity of the Vrije Universiteit Brussel (Free University of Brussels or VUB), it uses its location in Brussels, Belgium, the capital of Europe, to engage EU policymakers, data protection regulators, the private sector, and NGOs, and to produce innovative, cutting-edge research on important questions of data protection and privacy law and policy.

The BPH is soliciting applications for a PhD position on the following research topic:

The Challenge of Personal Data Ownership: *Privacy vs. Property*

In our data-driven economy, defining access and “ownership” of personal data is an important legal challenge. The European Commission, within its Digital Single Market Strategy in Europe (COM(2015) 192 final) and in particular with the aim of “maximising the growth potential of the digital economy”, has announced the European Free Flow of Data Initiative. In this context, the Commission has declared the intention to address the emerging issue of *ownership* of data.

On the other hand, the new Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content (COM (2015)634) states that it would apply to contracts where the supplier supplies digital content and, in exchange, *the consumer actively provides counter- performance other than money in the form of personal data* or any other data. This provision seems to assume that in legal terms personal data could be considered to be a tradable commodity.

The EU institutions have affirmed the importance of addressing the topic of “data ownership”, in order to protect individuals from “the free services myth” (see the 2012 Impact Assessment for the proposed GDPR), i.e., to make it clear that many free online services rely on the processing of their personal data. This is also supported notably by privacy scholarship in the area of behavioural economics. The importance of data ownership is global, and it has also received considerable attention in US scholarship.

Based on the above considerations, research questions such as the following could be addressed in the PhD research:

- Is the doctrine of ownership, i.e. a set of non-absolute rights, privileges and powers subject to transferability theoretically compatible with the EU data protection framework?
- Does the EU data protection framework allow data ownership? And in particular, is it compatible with the fundamental right to privacy (article 8 ECHR and article 7 CFR) and with the General Data Protection Regulation?
- How does data ownership as it is understood in the current EU debate fit into theories of behavioural economics?
- How is data ownership viewed in other legal systems, and can a comparative perspective add value to its consideration in European law?

Research:

The PhD Student is expected to:

- Develop an original PhD thesis on topics related to data ownership;
- Coordinate and manage the execution and implementation of BPH projects and activities;
- Coordinate the outreach and communication tools of the BPH;
- Participate in international seminars and conferences;
- Publish in peer reviewed journals;
- Draft project proposals for external funding in collaboration with other researchers;
- Contribute to the existing research activities of the BPH;
- Represent the BPH at third party events;

Qualifications:

Candidates are expected to possess the following qualifications:

- a Masters in International Law or other relevant subjects, awarded by the deadline for applications;
- demonstrate enthusiasm by contributing to ongoing research activities and attracting external funding for research projects;
- fluency in English, and the ability to conduct research in at least one other language;
- excellent organisational and communicative skills;
- the ability to work independently, under pressure, respect deadlines, and produce quality work.

Interdisciplinary experience (for example, in an area such as law and economics or computer science) would be an added bonus.

Conditions:

The successful candidate will be integrated in a dynamic team, composed of both experienced and early career researchers, working under the guidance of Prof. Paul de Hert and Prof. Christopher Kuner. He or she will collaborate closely with the other members of the BPH, and will have access to doctoral training offered by the VUB, as well as to all facilities of the university. Successful candidates are expected to work at the VUB premises in Brussels. Office space and equipment will be provided along with a budget for travelling and other research-related expenses.

We offer employment as a full time doctoral researcher. The PhD degree will be awarded in law. For more information about facilities and benefits of employment at the Vrije Universiteit Brussel, please visit <http://www.vub.ac.be> under the heading 'future employees'.

Contract: full-time research grant for one year, renewable on an annual basis for a maximum of four years. Extension of the contract is subject to the agreement of the doctoral committee. Remuneration is at the level of a fulltime research assistant at a Flemish university (i.e. approximately € 1.900 net per month) and includes contributions for social security. Secondary employment is not allowed.

Applications:

The PhD candidate will be selected on the basis of the quality of the project proposal, her/his expertise, work experience and qualifications. The following application documents are to be consolidated into a single PDF file sent by email to info@brusselsprivacyhub.org (subject heading: 'Data Ownership PhD application').

Applications (in English) should include the following:

- your current CV;
- a cover letter in which you explain your motivation and qualifications;
- contact details of two referees and a short research proposal (including a potential research question which is suitable for a 3-year project);
- a possible methodology indicating various steps in the research (e.g. various sub-research questions) as well as the selected investigative approach. The description of your research proposal and methodology should be a maximum of two pages.

Deadline for the submission of applications is 30 June 2017, 12.00 hours CET. It is currently envisioned that the successful candidate will be notified by the end of July and the position will start on the 1 September 2017 (the start date may be negotiable).