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Legal Practice Division (LPD)

Dear Friends,

Writing to you from lovely Berlin. We just concluded our very successful Section conference. It was a first in many ways: An in-person event for the Committee after almost two years, and a Section event that has rarely had a place on past agendas. I do hope this is the first of many more to come.

The most interesting conversation I had on this trip was related to the Internet of Behaviour (IoB), which, according to Gartner, broadly means capturing the 'digital dust' of people's lives from a variety of sources, and using this information to influence behaviour. Put another way, IoB analyzes data collected by Internet of Things (IoT) devices, which provide information about users' behaviours, interests, and preferences. The interesting factor is that IoB combines technology, data analytics, and behavioural science in a manner that enables analysts not only to understand but also to influence or change people's behaviour! This behavioural manipulation sure raised eyebrows in the involved conversation I had.

Some history to provide context. Professor Göte Nyman, of the University of Helsinki, created the IoB concept in 2012; well before the IoT revolution. He believed that the near future will be rife with an explosion of apps and services that rely on getting relevant guidance and information directly from individuals and communities to provide best possible responses, data access, communication, information, interaction, entertainment, services, and function. Gartner took IoB forward and put a date of 2023 as the time when individual activities will be tracked digitally by an IoB to influence benefit and service eligibility for 40% of people worldwide. Gartner also coined the concept of 'hyper-personalization', which may be enabled by the continued harvesting of data to detect consumer emotions and the use of this knowledge to ultimately increase sales. Does this mean that we are heading towards China's multiple 'Social Credit' systems?

Such a level of insight into individuals' behaviour is surely a positive development for several professions (say, marketing, e-commerce, and social media). But again, should we be concerned about how such data is harvested and used? Should we be wary about privacy, ethics, and trust issues? Should we trust organizations with this data?

Does this ring alarm bells that sound like 'Cambridge Analytica'? Or Orwell's '1984'? Is this a form of invasion of our privacy?

Interestingly, I learnt about a computational process, albeit a very slow process, known as "homomorphic encryption", which performs calculations on encrypted data without first decrypting it. This important technology may allay some of the above-mentioned fears. Hopefully, educated customers, individuals, and vendors will be assured that their data will remain anonymized. Though questions on whether anonymization is ever 100% may persist, nonetheless, at least in some instances, people will be comfortable with IoB, and not reject it completely.

Education of stakeholders will be important for organizations adopting IoB. Is their customer data anonymized and encrypted or not? A bold declaration of process will help boost customer confidence. This will allow enterprises to use IoB to continue their growth significantly in the face of the upheaval caused by the pandemic; and the conscious move of many to transfer their business online.

Having reported a topical conversation, I would like to touch upon a few important issues this month. With preparation of our roster of Officers for the year 2022 underway, we look forward to having you volunteer to take on roles in our various **subcommittees**. Do send me an e-mail with your intent, and details on where and how you would like to contribute by **Thursday 28th October**. Enthusiasm, knowledge, and intent are all we need at this stage. With you and your support, the Committee will continue to grow to greater heights, providing more value to both you and other members of the Committee.

Finally, a word of thanks to all the Berlin Hosts who made the event socially engaging. Stefan Weidert and **Gleiss Lutz**; Marlene Schreiber and Martin Schirnbacher and **HÄRTING**; Alexander Birnstiel and **Noerr**; Marc Hilber and **Oppenhoff**; and Matthias Orthwein and **SKW Schwarz**.

Looking forward to hearing from you.

Warm regards,

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