

## From Sewage Data to Access to Justice: Newer Challenges for Law?

Welcome to the third and final Issue of 2021 of the European Journal of Law and Technology. In this issue, we present a selection of articles on topics ranging from data protection, artificial intelligence, and legal consciousness that highlight some of the newer challenges posed by ever evolving technologies to the law.

In our first article 'The essence of data protection: Essence as a normative pivot', Dara Hallinan examines the concept of the essence of the right to the protection of personal data under Article 8 of the Charter of Fundamental Rights of the European Union. Hallinan points out the current ambiguity regarding the scope and function of the concept of essence in the legal scheme of Article 8, and proposes a 'novel methodology for identifying a cogent and functionally distinct, description of the concept of essence as it is currently used in law in relation to Article 8' for addressing this uncertainty.

Bart van der Sloot, in his paper 'Truth from the sewage: Are we flushing privacy down the drain?', looks at a rather topical and yet relatively underexplored issue. Whilst acknowledging the relevance of sewage monitoring and its practical and legitimate applications in preventing and detecting diseases, crime, etc., van der Sloot is also concerned about the privacy and data protection implications of such practices. In this thought-provoking article, the author highlights a number of issues from a legal perspective that are not only pertinent but also in need of clarity and exploration.

The ongoing pandemic situation has worsened an already stretched justice system across jurisdictions around the world. There have been a number of calls to modernise the justice system, through digitalisation of courts and court processes, among other things. Much has been written on these topics by commentators such as Richard Susskind. Naomi Creutzfeldt in her article 'Towards a digital legal consciousness?' examines a related but distinct issue – how the transition to digital justice will impact on non-users. Highlighting the very real risk of an increasing digital divide between those who can and cannot access the digital system, Creutzfeldt proposes a framework to better understand the users of the system, which in turn can inform the creation of a better digital justice system.

In 'The rise of the personal data quality principle: Is it legal and does it have an impact on the right to rectification', Diana Dimitrova provides an interesting critique on the principle of data accuracy envisaged in the General Data Protection Regulation. Dimitrova points out that there is a tendency to conflate 'data accuracy' with 'data quality' in academic and regulatory discourse, and examines the legal concept of (personal) data accuracy and completeness. She argues that data accuracy is becoming subsumed by the term 'data quality', and that 'the recognition of the principle of data quality would be an adequate response to the challenges of modern personal data processing technologies.

In the final paper of this Issue, Gabriele Spina Ali and Ronald Yu discuss the potential conflict between transparency and secrecy in the context of the proposed EU regulation of artificial intelligence. In their paper 'Artificial intelligence between transparency and secrecy: From the EC Whitepaper to the AIA and beyond', the authors highlight some of the shortcomings of the proposed Artificial Intelligence Act and suggest solutions for addressing the lacunae by borrowing some of the solutions already adopted in the pharmaceutical sector.

Like the previous year, 2021 also has been a challenging year for all of us both professionally and personally due to the ongoing global pandemic. I would like to express my heartfelt gratitude to all our editors and reviewers, who have been very generous with their time for the journal. I would also like to thank BILETA and, needless to say, all our authors and readers for continuing to support the work of the EJLT.

With all best wishes for 2022.

**Abhilash Nair**  
**Editor-in-Chief**