

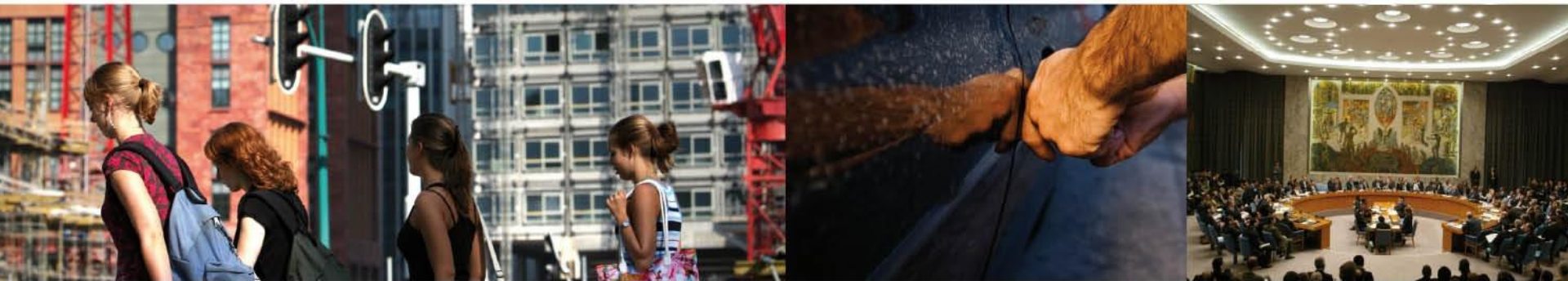


Privacy according to Google: on the rise of private actors as adjudicators in conflicts between the speech and privacy in the EU

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The idea of the ‘normative loop’

1. The concept of privacy: privacy as a social norm, ascriptive distinction between public and private (e.g. *Lillo-Stenberg v. Norway*)
2. The concept of freedom of expression: the idea of public discourse, normative: ‘the focus must be on whether the publication is in the interest of the public and not whether the public might be interested in reading it’, *Mosley v. UK*)

Online speech and the gaps in the normative loop

- a) The reasons for the gap – parallel, non-homogenous communities
 - The problem of efficiency
 - The problem of legitimacy
- b) How to remedy the gap?
 - Taking over the decision making by private platforms
 - Globalization of norms



Selected issues:

- The issue of platform power: impacting the rights of individuals and dominating the public sphere (not merely gatekeepers but also designers of our normative realities)
- The role of the EU law: emerging hierarchy of values and incentives' structure

Further issues for discussion:

- What shapes the normative commitments of the private communicative platforms in the context of online speech and privacy?
- How are the rights balanced in the context of private platforms?
- What power shifts are ultimately resulting from such attribution of decision making processes of constitutional character to private actors?
- How can EU law play a role in this context?





Thank you!