



LEGAL BOUNDARIES OF DIGITAL IDENTITY CREATION

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PLAN OF THE PRESENTATION

- Right to Identity
- Identity in Reality
- Digital Identity
- Protection of Identity
- Conclusions

RIGHT TO IDENTITY

- Relatively „new right”, which was interpreted by ECHR
- **Mikulić v. Croatia 2002** — „The people in the applicant’s situation had a vital interest, protected by the Convention, in receiving the information necessary to uncover the truth about an important aspect of their personal identity”.
- **Odievre v. France 2003** — „The Court reiterated that Article 8 protected, among other interests, the right to personal development. Matters of relevance to personal development included details of a person’s identity as a human being and the vital interest protected by the Convention in obtaining information necessary to discover the truth concerning important aspects of one’s personal identity, such as the identity of one’s parents”
- **Godelli v. Italy 2013** — „The Court explained that the right to an identity includes the right to know one’s parentage and is an integral part of private life, which is protected by Article 8 of the European Convention”

IDENTITY IN REALITY

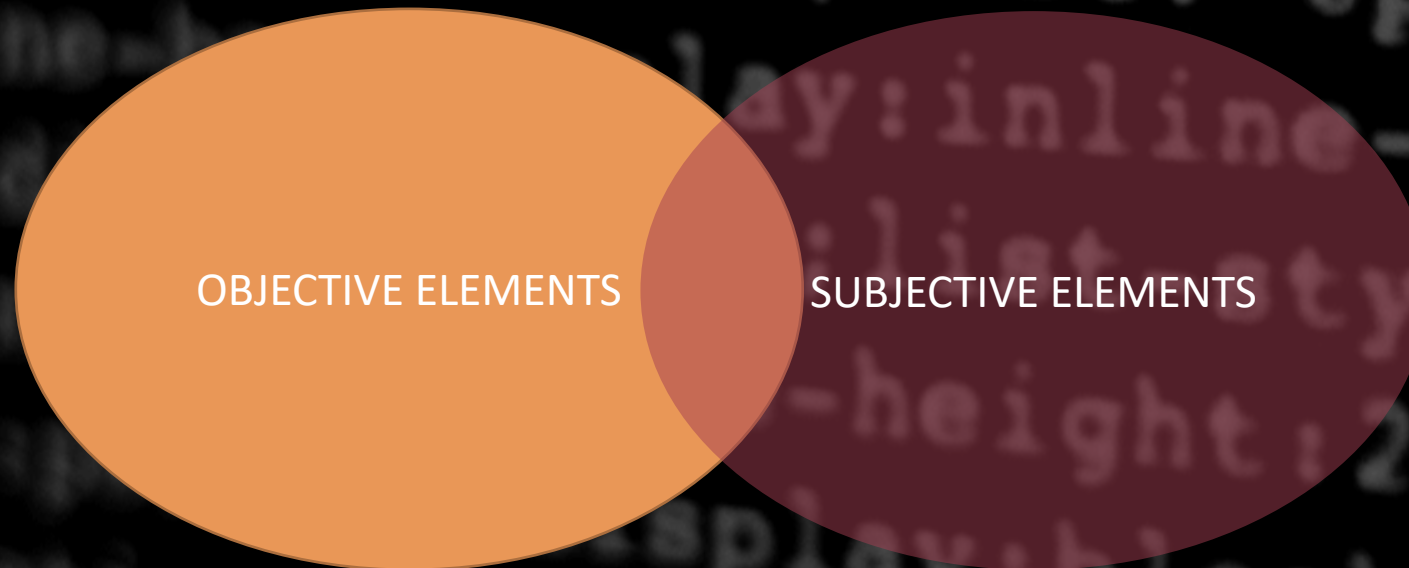
Objective elements:

- name
- surname
- DNA

Subjective elements:

- sex orientation
- social gender
- image

IDENTITY IN REALITY



OBJECTIVE ELEMENTS

SUBJECTIVE ELEMENTS

DIGITAL IDENTITY

- Digital Identity relating to the material substrate – real person
- Digital Identity occurring only in a virtual , non-physical world

PROTECTION OF IDENTITY

- The majority of tools that can protect the real identity could be used in the case of protection of the digital identity
- These are new tools that could be used to protect the identity only in virtual world
- Some of the new tools could be use as a creative tools

CONCLUSIONS

1. The essence of the human identity is the same, regardless of its exercise. However, human identity on the internet functions on completely different terms than outside it.
2. Differences between identity on the internet and outside it are significant enough to necessitate separate research. The internet impacts the functioning of identity to such a degree that it implicates the need to specify a legal framework and methods of protection unique to digital identity.
3. On the one hand, new technologies pose a threat to the protection of the right to identity, but on the other hands, if skilfully used, they can be a tool for its implementation.

IS IT STILL RIGHT TO IDENTITY OR FREEDOM OF IDENTITY?

THANK YOU FOR YOUR ATTENTION!

