

# PROCESS TRACING AS A BASIS FOR ISSUE-BASED SCENARIOS

The case of the General Data Protection Regulation

Improving Scenario Methodology: Theory and Practice

14 December 2015

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Turun yliopisto  
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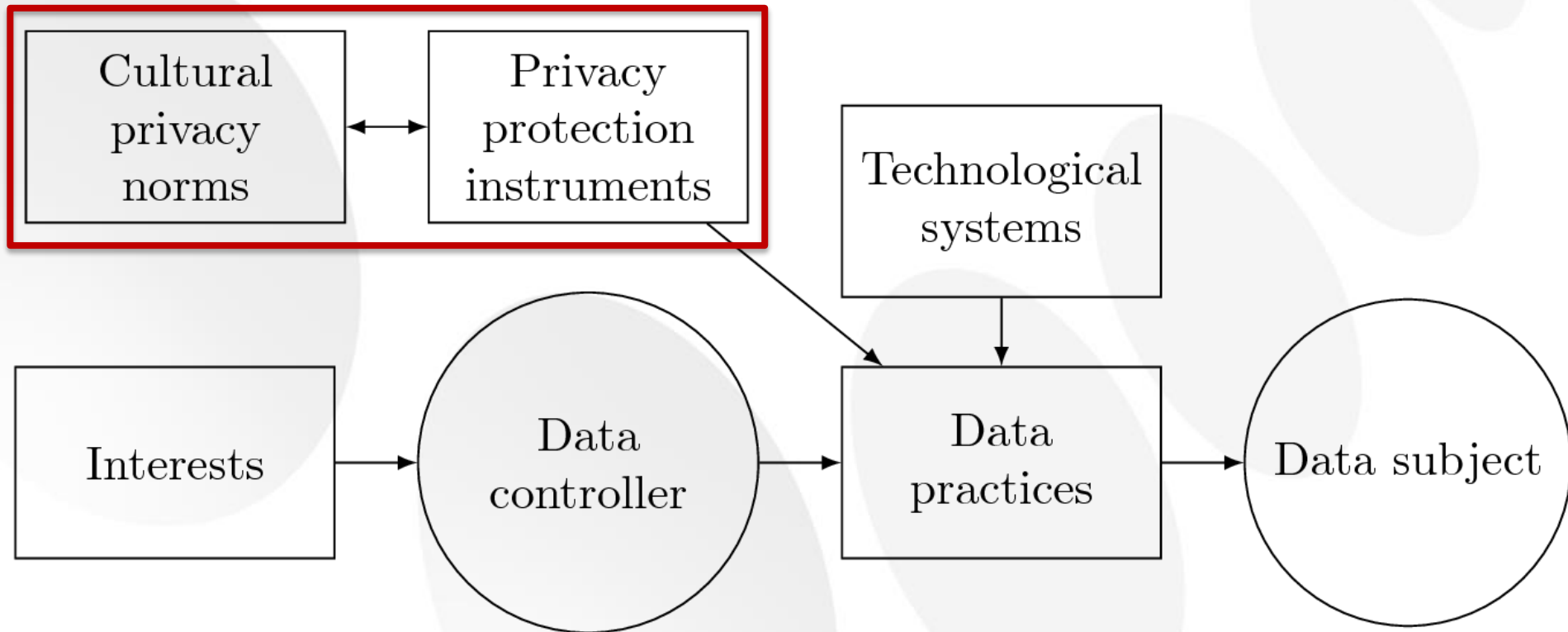
# Privacy as a changing issue

“Privacy is the right to be let alone – the most comprehensive of rights, and the right most valued by civilized man.”  
(Louis D. Brandeis, former Associate Justice of the Supreme Court, 1928)

“You have zero privacy anyway. Get over it.”  
(Scott McNealy, Sun CEO, 1999)

“Privacy isn’t dead. Rather, privacy is inevitable.”  
(Neil M. Richards, 2015)

## Privacy protection as an institution

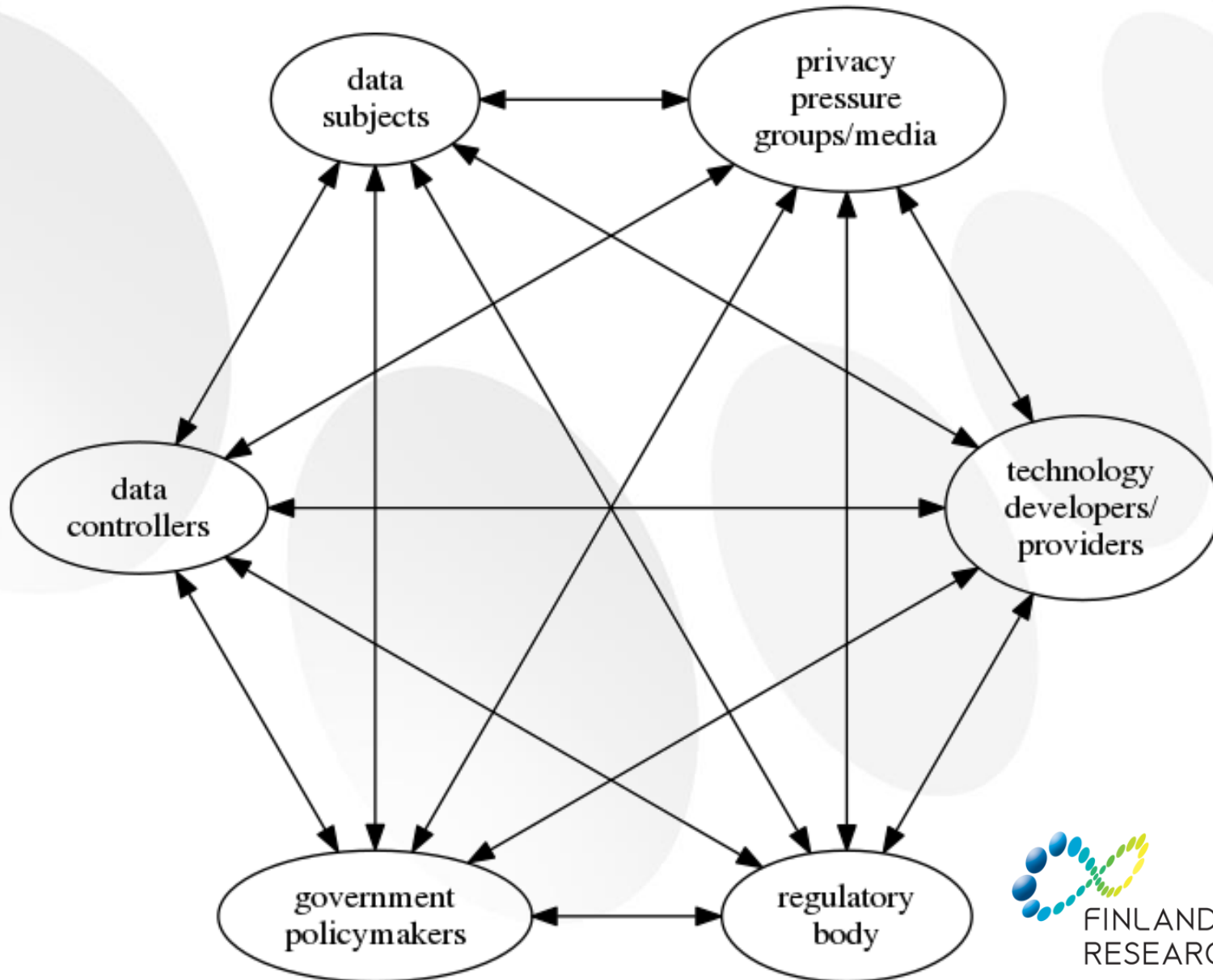


**How are rules about acceptable data practices made?**

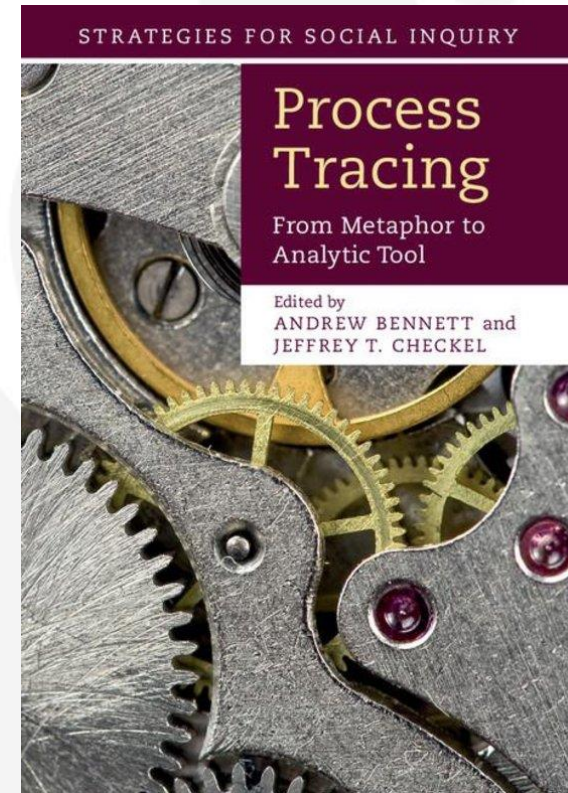
# Institutional change

- **Case: EU data protection reform (General Data Protection Regulation)**
- **Complexity: many actors and sub-issues**
  - **Sub-issues: definitions, procedures for international data transfers, rights and obligations, ...**
- **Theoretical framework: new institutionalism**
  - **Gradual institutional change through contestation of rules (Mahoney & Thelen, 2009)**
  - **Discursive institutionalism and the importance of ideas (Schmidt, 2008)**

# Actors/stakeholders (Bennett & Raab 2006)



- **Process tracing: qualitative within-case method**
  - Analysis of evidence on processes to reconstruct chain of mechanisms from initial situation to outcome (George & Bennett, 2005; Bengtsson & Ruonavaara, 2011; Bennett & Checkel 2015)
- **Scenarios: “hypothetical events constructed to clarify a possible chain of causal events as well as their decision points”** (Kahn & Wiener, 1967)



# Why process tracing for scenarios?

- **Differences from environmental/horizon scanning (e.g. STEEPV)**
    - Knowledge interest: closer to basic research
    - “Bird’s eye view”, more theory-based
  - **Focused historical evidence about change**
    - Causal-process observations, diagnostic evidence
    - Decisions of actors rather than broad trends
    - Timing and ordering: not only what but *when?*
- **Suitable for issued-based scenarios**

# Process tracing in practice

- **Analysing documentary material: policy papers, responses to public consultations**
- **Focus on *arguments* and *time***
  - Which arguments become influential? When? Why?
  - How are they spread throughout the network?
  - External events: Snowden, court cases, Paris terror attacks



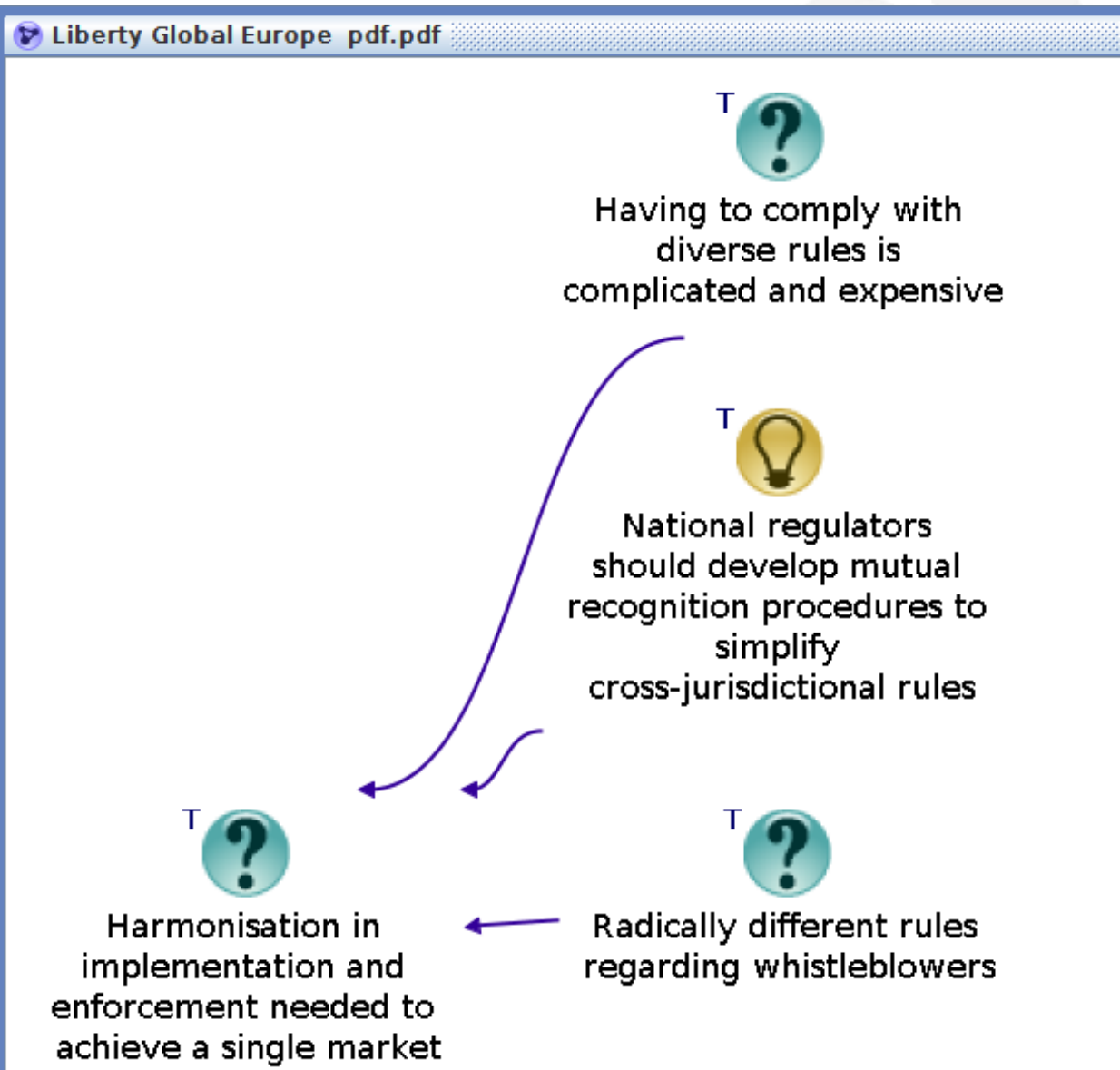


# Mapping argumentation in CompendiumNG

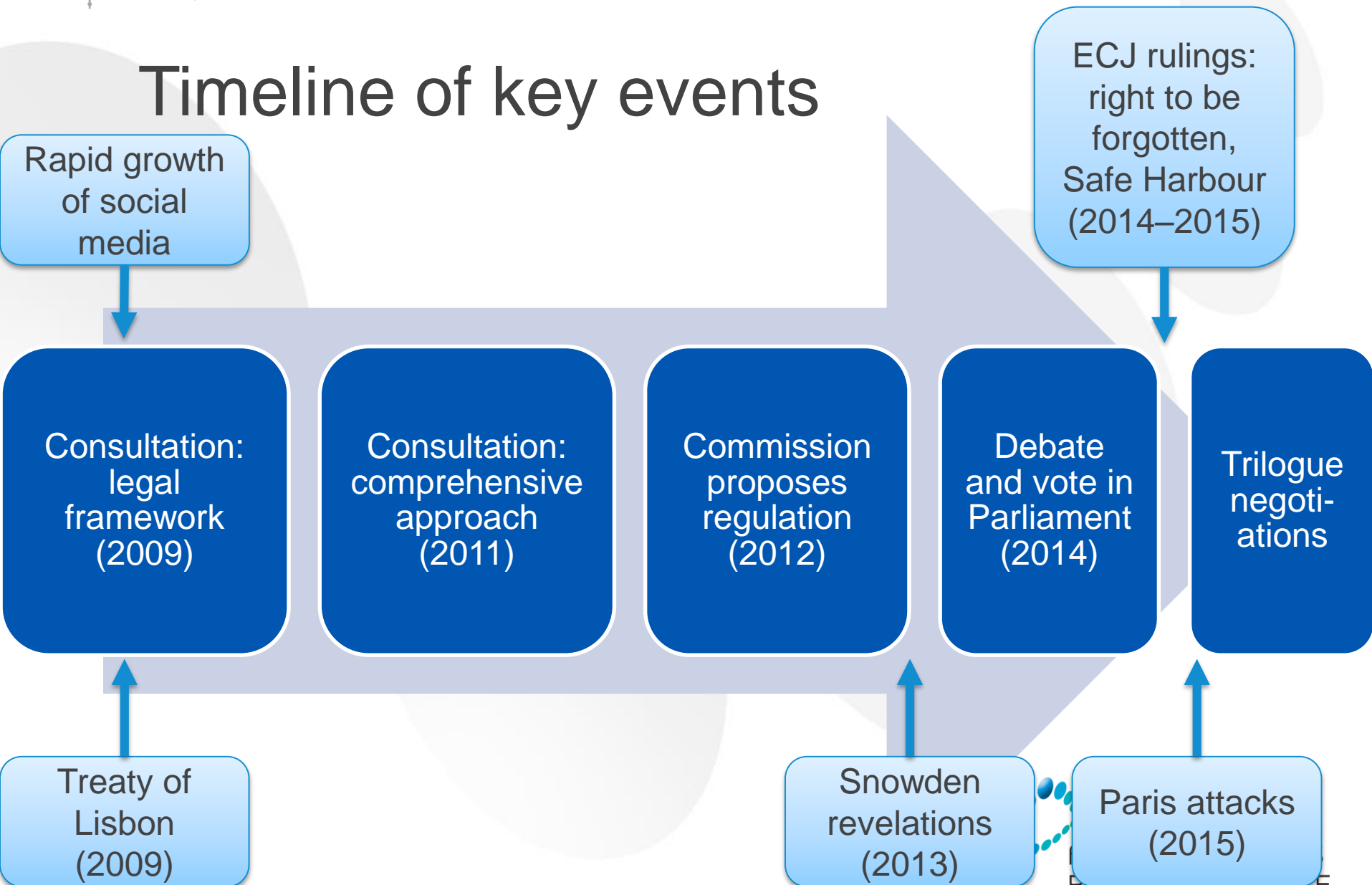
**Tags View**

Make Tag(s)    Make Group(s)

- attitudes/views
- dates
- government policymakers
- issues
  - accountability (28)
  - anonymity (10)
  - awareness and education (8)
  - balancing other interests (5)
  - BCRs (26)
  - behaviour of individuals (3)
  - biometrics (10)
  - business practices (2)
  - children (1)
  - class action procedures (1)
  - cloud computing (14)
  - collective redress (1)
  - competence to make decisions
  - conflict (4)
  - consent (59)
  - contextual approach (7)
  - control (10)
  - convergence (6)
  - crime (16)
  - data breach notification (11)
  - data minimisation (14)
  - data portability (11)
  - data protection impact assess
  - data protection officer (11)
  - data storage time (1)
  - decision-making and options (
  - definition of data subject (6)
  - definition of personal data (27
  - definitions (general) (13)



# Timeline of key events



# Scenarios: what next?

- **‘Hybrid’ issue-based scenarios** (see ‘scenario cartwheel’, van Notten et al., 2003)
  - Focused exploration with a short timeframe (exploration + decision support)
- **Contextual/external factors → policy-making**
  - Future situations present challenges and strategic opportunities to actors
  - Outcomes depend on choices
- **Key external variables**
  - How successful is the strategy against terrorism?
  - Will European economies recover from crisis?
  - Is privacy built into design of technologies?

# Themes: scenario building blocks



**Judicialization**  
(Wikimedia Commons)



**The fundamental rights frame**  
(<http://www.humanrightslogo.net/>)



**Marketization**  
(Wikimedia Commons)



**Securitization**  
(Wikimedia Commons)

# Example of a plausible scenario

Problems  
continue in  
economy  
and security

Politicians  
and security  
actors  
marginalise  
privacy

Data  
breach  
impacts  
millions of  
people

Loss of  
trust forces  
companies  
to focus on  
privacy



# Conclusion: benefits of process tracing for issue-based scenarios

1. Provides focused historical evidence about change processes
2. May be used as input for participatory process, e.g. policy/argument Delphi
3. Ultimately helps to understand ongoing development and make better decisions today



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# References

- Bengtsson, B., & Ruonavaara, H. (2011). Comparative process tracing in housing studies. *International Journal of Housing Policy*, 11(4), 395–414.
- Bennett, A., & Checkel, J. (Eds.) (2015). *Process tracing: from metaphor to analytic tool*. Cambridge: Cambridge University Press.
- George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences*. Cambridge, Mass.: MIT Press.
- Mahoney, J., & Thelen, K. (2009). A theory of gradual institutional change. In J. Mahoney, & K. Thelen (Eds.), *Explaining Institutional Change: Ambiguity, Agency, and Power* (pp. 1–37). Cambridge University Press.
- van Notten, P. W. F., Rotmans, J., van Asselt, M. B. A., & Rothman, D. S. (2003). An updated scenario typology. *Futures*, 35(5), 423–443.

