

# Editor's Foreword

A recurring theme in the contributions to this anthology has to do with the nature of the relationships between law and ICT (information and communication technology). In a nutshell: are the relationships between law and ICT important and particular enough to merit special attention?

Three reasons argue for an affirmative answer. The first has to do with *complexity*. The second with *magnitude*. The third with *uncertainty*.

The *complexity* of ICT involves not only technical intricacies in a narrow sense. ICT has moved out from closed research environments and become a ubiquitous and flexible instrument for all kinds of information handling in society. Thus, it is necessary to take into account matters having to do with the design and operation of information systems, existing and possible applications of ICT, including their effects and interdependencies, and conceptual issues having to do with the changing nature of information processing. From this point of view, the study of law and ICT should be perceived not as a trivial affair but as a rather demanding challenge. It requires a broad outlook and, quite often, expert knowledge of the increasingly intertwined world of law and technology.

*Magnitude*, obviously, refers to the economic and practical significance of ICT in society. Briefly, we are dealing with a “mega-technology” capable of both creating and destroying markets and, generally speaking, ways of living. This is the background of the often quite loud calls for actions to do away with outmoded legal solutions – viewed as “obstacles” – as well as for actions to legally restrain and control the electronic environment

*Uncertainty* (and its corollary curiosity), finally, provides good reasons for delving into the many issues that emerge as ICT gradually alters significant parts of society's infrastructure. We need to understand what is going on, preferably before conflicts and problems have surfaced. The legal system is affected – but in what ways and how deeply?

The contributions to this anthology all seek answers to such questions. They do so in different ways and in different areas but they all reflect the work that since 1996 has been going on in the IT Law Observatory of the Swedish ICT Commission. The spirit of this work has always been: *let's take a closer look, it may be worth it*. This can also be termed the motto of the anthology.

There are twenty-two contributors. They come from the Observatory itself as well as from the network of experts that the IT Law Observatory has built up and consulted. The number could easily have been increased, but for limitations of space.

The anthology is divided into six main parts. Part I, “General background”, outlines the work of the Swedish ICT Commission and its IT Law Observatory. Part II, “In Search of a Perspective”, discusses the area of law and ICT as a whole from different points of view, setting the framework for the area-specific contributions that follow. Part III, “ICT in Government and Administration”, comments on certain basic issues of electronic public administration such as the citizens' access to official documents. Part IV, “ICT in Commerce and Work”, is broadly conceived, ranging from

contracting and taxation on the Internet to matters of freedom of speech and self-employment in the new electronic environment. Part V, “Security and Vulnerability”, deals with two topics, *viz* how to shape adequate protection of personal data, and legislative responses to computer crime. It ought to be mentioned that the Swedish ICT Commission has done much broader work in the security area. This work has been reported on elsewhere.<sup>1</sup> Part VI, “Legal Machinery Matters”, serves as a reminder that the interaction of law and ICT comprises more than matters of substantive law. Briefly, there are numerous methodological issues linked to the use of ICT in the judiciary etc. A few of them are dealt with here.

Finally, on behalf of the IT Law Observatory, I wish to express my sincere thanks to all the contributors for their willingness to participate and also to Roger Tanner, who has kept an eye on the language but is not to blame for any remaining blemishes.

*Peter Seipel*

Chairman of the IT Law Observatory

---

<sup>1</sup> Information can be accessed at [www.itkommissionen.se](http://www.itkommissionen.se).

