

# LAW & DATA

## 2024/2025

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# Right to PRIVACY & PERSONAL DATA

- 'same, but different'
- intertwined
- different, but overlapping

## HUMAN RIGHTS

**rights belonging to individuals as human beings**  
regardless of race, sex, nationality, ethnicity, language,  
religion or any other status

# History - **RIGHT TO PRIVACY**

## ➤ **UN Universal Declaration of Human Rights (1948)**

### **Article 12**

*No one shall be subjected to **arbitrary interference** with his privacy, family, home or correspondence, nor to attacks upon his **honour and reputation**. Everyone has the right to the protection of the law against such interference or attacks.*

## ➤ **International Covenant on Civil and Political Rights (1966)**

### **Article 17**

- 1. No one shall be subjected to **arbitrary or unlawful interference** with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*
- 2. Everyone has the right to the protection of the law against such interference or attacks.*

# History - **RIGHT TO PRIVACY**

## ➤ **UN Convention on the Rights of the Child (1989)**

### **Article 16**

**No child** shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

**The child** has the right to the protection of the law against such interference or attacks.

# History - **RIGHT TO PRIVACY**

## ➤ **European Convention of Human Rights (1950)**

### **Article 8 – Right to respect for private and family life**

1. *Everyone has the right to respect for his private and family private life, his home and his correspondence.*

2. **There shall be no interference by a public authority** with the exercise of this right **except** such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

# RIGHT TO PRIVACY

➤ **Nice Charter (2009)** → **EU Charter of Fundamental Rights (2009)**

## **Article 7 – Respect for private and family life**

1. *Everyone has the right to respect for his or her private and family life, home and communications.*

2. **There shall be no interference by a public authority** with the exercise of this right **except** such as is in accordance with the law and is **necessary** in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

# RIGHT TO PRIVACY → PERSONAL DATA PROTECTION

➤ **Nice Charter (2009)** → **EU Charter of Fundamental Rights (2009)**  
(EU primary law)

## Article 8 – Protection of personal data

1. *Everyone has the right to the protection of personal data concerning him or her.*
2. *Such data must be processed fairly for **specified purposes** and on the basis of the **consent** of the person concerned or some **other legitimate basis** laid down by law. Everyone has the right of **access** to data which has been collected concerning him or her, and the right to have it **rectified**.*
3. *Compliance with these rules shall be subject to control by an **independent authority**.*

# RIGHT TO PRIVACY → PERSONAL DATA PROTECTION

➤ Nice Charter (2009) → EU Charter of Fundamental Rights (2009)

## Article 52 – Scope and interpretation

1. **Any limitation** on the exercise of the rights and freedoms recognised by this Charter must be **provided for by law** and respect the essence of those rights and freedoms. Subject to the principle of **proportionality**, limitations may be made only if they are **necessary** and genuinely meet objectives of **general interest** recognised by the Union or the **need to protect the rights and freedoms of others**.
2. Rights recognised by this Charter for which provision is made in the Treaties shall be exercised under the conditions and within the limits defined by those Treaties.

(...)