

LAW & DATA

2024/2025

University of Padova

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RIGHT TO PERSONAL DATA PROTECTION

- **OECD Privacy Guidelines (1980)**
 - Soft law universal standards
 - ✓ Collection Limitation Principle
 - ✓ Data Quality Principle
 - ✓ Purpose Specification Principle
 - ✓ Use Limitation Principle
 - ✓ Security Safeguards Principle
 - ✓ Openness Principle
 - ✓ Individual Participation Principle
 - ✓ Accountability Principle

RIGHT TO PERSONAL DATA PROTECTION

- **CoE Convention 108** (28 January 1981 – Data Privacy Day)
Convention for the protection of individuals with regard to automated processing of personal data

first legally binding instrument
at the international level
on data protection

UNIVERSAL STANDARDS

- **CoE Convention 108+** (adopted on 18 May 2018)

RIGHT TO PERSONAL DATA PROTECTION

➤ CoE Convention 108

Main principles:

- Protection of the individuals against PD abuses
- Regulation of transborder data flows
- Fair and lawful collection
- Legitimate purposes
- Processing for the same purposes for which data were collected
- Storage duration (no longer than necessary)
- Quality of data: adequate, relevant not excessive (proportionality)
- Sensitive data (special categories of data)
- Right to know information stored and to have it rectified
- Possible overriding interests for different processing activities

Applicable EU Legislation (Primary law)

RIGHT TO PERSONAL DATA PROTECTION

➤ TEU

Article 39

*In accordance with Article 16 of the Treaty on the Functioning of the European Union and by way of derogation from paragraph 2 thereof, the **Council** shall adopt a **decision laying down the rules** relating to the protection of individuals with regard to the processing of personal data by the Member States when carrying out activities which **fall within the scope of this Chapter**, and the rules relating to the **free movement** of such data. Compliance with these rules shall be subject to the control of independent authorities.*

Applicable EU Legislation – **RIGHT TO PERSONAL DATA PROTECTION**

➤ TFEU

Article 16

1. *Everyone has the right to the protection of personal data concerning them.*
2. **The European Parliament and the Council**, acting in accordance with the ordinary legislative procedure, **shall lay down the rules** relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the **free movement of such data**. Compliance with these rules shall be subject to the control of **independent authorities**.
3. *The rules adopted on the basis of this Article shall be without prejudice to the specific rules laid down in Article 39 of the Treaty on European Union.*