

LAW & DATA

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University of Padova

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***PROCESSING OF PERSONAL DATA**

ANY OPERATION OR SET OF OPERATIONS WHICH IS PERFORMED ON PERSONAL DATA OR ON SETS OF PERSONAL DATA, WHETHER OR NOT BY AUTOMATED MEANS SUCH AS COLLECTION, RECORDING, ORGANISATION, STRUCTURING, STORAGE, ADAPTATION OR ALTERATION, RETRIEVAL, CONSULTATION, USE, DISCLOSURE BY TRANSMISSION, DISSEMINATION OR OTHERWISE MAKING AVAILABLE, ALIGNMENT OR COMBINATION, RESTRICTION, ERASURE OR DESTRUCTION

GDPR | MAIN NOTIONS

- **PERSONAL DATA**
- **SENSITIVE DATA**
- **PURPOSES**
- **CONSENT**
- **PROCESSING**
- **TRANSFER**
- **CROSS-BORDER PROCESSING**
- **DATA PROTECTION IMPACT ASSESSMENT**

GDPR | PERSONAL DATA

means any **information** relating to an identified or identifiable natural person ('data subject'); **an identifiable natural person** is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person

GDPR | SENSITIVE DATA

special categories of personal data

personal data revealing **racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership**, and the processing of **genetic data, biometric data** for the purpose of uniquely identifying a natural person, data concerning **health** or data concerning a natural person's **sex life or sexual orientation**

SENSITIVE DATA - Processing

In principle: PROHIBITED

Exceptions:

- ✓ Explicit consent (specified purposes)
- ✓ Employment law / social security and social protection law
- ✓ Protection of vital interests
- ✓ Legitimate activities of foundations, associations, non-profit bodies – members or former members
- ✓ Manifestly made public by DS
- ✓ Legal claims
- ✓ Substantial public interest
- ✓ Preventive / occupational medicine
- ✓ Health - public interest
- ✓ Scientific and historical research – public interest

GDPR | PURPOSES

(not expressly defined by GDPR)

aims for which data are collected and processed

GDPR | CONSENT

(OF THE DATA SUBJECT)

any **freely given, specific, informed** and **unambiguous indication** of the data subject's **wishes** by which he or she, by a statement or by a **clear affirmative action**, signifies **agreement** to the processing of personal data relating to him or her

GDPR | PROCESSING

any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

GDPR | DPIA

DATA PROTECTION IMPACT ASSESSMENT

assessment of the impact of the envisaged processing operations on the protection of personal data

CONTROLLER \leftrightarrow DPO

Mandatory **(in certain cases):**

- systematic/extensive evaluation of personal data based on automated processing, including profiling activities
- processing on a large scale of special categories of data
- systematic monitoring of a publicly accessible area on a large scale

GDPR | DPIA Contents

- systematic **description** of the envisaged processing operations + purposes + legitimate interest of the Controller (if any)
- assessment of the **necessity and proportionality** of the processing operations **in relation to the purposes**
- an assessment of the **risks** to the rights and freedoms of data subjects
- the **measures envisaged to address the risks**, including safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance

GDPR | Main principles for PD Processing

- **LAWFULNESS**
- **FAIRNESS & TRANSPARENCY**
- **PURPOSE LIMITATION**
- **DATA MINIMISATION**
- **ACCURACY**
- **STORAGE LIMITATION**
- **INTEGRITY & CONFIDENTIALITY**
- **ACCOUNTABILITY**

LAWFULNESS & FAIRNESS

Legal permission / DS consent

- CASES OF LEGAL PERMISSION – NECESSARY FOR
- PERFORMING A CONTRACT
 - COMPLYING A LEGAL OBLIGATION
 - PROTECTING VITAL INTERESTS
 - PERFORMANCE OF A TASK OF PUBLIC INTEREST
 - LEGITIMATE INTERESTS OF THE CONTROLLER/THIRD PARTY

TRANSPARENCY

How PD are collected, used, consulted or otherwise disclosed

- Information
 - on the identity of the controller
 - on the purposes of the processing
 - on the DS rights / to obtain confirmation and communication of processing activities
 - on risks, rules, safeguards and rights in relation to processing activities

PURPOSE LIMITATION

Processing for SPECIFIED, EXPLICIT AND LEGITIMATE PURPOSES

- **Legitimacy**
accordance with existing applicable laws
- **Detail of the purpose**
further processing operations need to be verified
(if compatible with initial purposes)

DATA MINIMISATION

Personal data shall be ADEQUATE, RELEVANT AND LIMITED

to what is necessary in relation to the purposes
for which they are processed

- Assessment on PROPORTIONALITY
- Technical and organisational measures

ACCURACY

Personal data shall be ACCURATE and KEPT UP TO DATE

If inaccurate → erasure or rectification

Personal data shall reflect the reality of any given situation
Inaccuracy may imply legal consequences even for the subjects involved

STORAGE LIMITATION

Personal data shall be kept in a form
that permits identification of data subjects

FOR NO LONGER THAN NECESSARY

for the processing purposes

STRICT MINIMUM

INTEGRITY & CONFIDENTIALITY

Personal data shall be processed in a manner that ensures
their appropriate SECURITY

Necessary to avoid:

- Unauthorised/unlawful processing
- Unauthorised/unlawful access
- Accidental loss, destruction, damage

ACCOUNTABILITY

1.CONTROLLER

2.PROCESSOR

PRIVACY POLICY

Templates - <https://gdpr.eu/privacy-notice/>

Topics

What data do we collect?

How do we collect your data?

How will we use your data?

How do we store your data?

Marketing

What are your data protection rights?

How to contact us

How to contact the appropriate authorities

What are cookies?

How do we use cookies and what types of cookies do we use?

How to manage your cookies

Privacy policies of other websites

Changes to our privacy policy