EU digital strategy: intro

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Course of Law and Data 2022-2023
Learning objectives

1. What is a **POLICY STRATEGY**?
2. The **EU DIGITAL STRATEGY**
3. **DATA**: a legal approach
1. From tech to law
LAW

- Administrative law
- Property law
- Family law
- Contract law
- Criminal law
- International law
- Human rights law
Some PRELIMINARY NOTIONS

**Policy**
a plan of action adopted by an individual or group

**Strategy**
planning in the long term for the success of an organization

**Governance**
the act or process of governing or overseeing the control and direction of something (such as a country or an organization)

**Law**
the system of rules which a particular country or community recognizes as mandatory and may enforce by the imposition of penalties/benefits
Policy Making Cycle

- Problem Identification
- Agenda Setting
- Policy Formulation
- Policy Implementation
- Policy Evaluation
- Decision Making
From strategy, to POLICY, to LAW

Long term objectives → Short-medium term objectives → Agenda

Policy → Legislative invitiate → Drafting

Discussion → Amendment → Approval

Publication → Enforcement
2. The EU DIGITAL STRATEGY
The Brussels Effect
How the European Union Rules the World
EUROPE FIT FOR THE DIGITAL AGE: NEW RULES FOR DIGITAL PLATFORMS

#DigitalServicesAct  #DigitalMarketsAct

DATA ACT
LOI SUR LES DONNÉES
2030 DIGITAL DECADE

Digital

Principles
Compass

Democracy

Rules

Cutting-edge technologies for people

- Digital Twins
- High-Performance Computing
- Digital Wallet
- Quantum
- Microelectronics
- Blockchain
- 5G

- Artificial Intelligence
- Data Governance
- Data Spaces
- Online Platforms (DSA/DMA)
- Cybersecurity
- Media Freedom/Pluralism
- Participation
- Safety and Sustainability Security
- People at the Centre
- Solidarity and Inclusion
- Freedom of Choice
Skills

**ICT Specialists:** 20 million + Gender convergence
**Basic Digital Skills:** min 80% of population

Infrastructures

**Connectivity:** Gigabit for everyone, 5G everywhere
**Cutting edge Semiconductors:** double EU share in global production
**Data – Edge & Cloud:** 10,000 climate neutral highly secure edge nodes
**Computing:** first computer with quantum acceleration

Public Services

**Key Public Services:** 100% online
**e-Health:** 100% availability medical records
**Digital Identity:** 80% citizens using digital ID

Business

**Tech up-take:** 75% of EU companies using Cloud/Al/Big Data
**Innovators:** grow scale ups & finance to double EU Unicorns
**Late adopters:** more than 90% of European SMEs reach at least a basic level of digital intensity
To monitor and evaluate progress leading to 2030

the Commission will develop **EU-level trajectories** for each target together with the Member States
the Member States will then draft **national trajectories** and **strategic roadmaps** to attain the targets

**COOPERATION CYCLE:**

- Monitor progress based on the **Digital Economy and Society Index (DESI)**
- Adjust Member States’ **strategic roadmaps** to adapt planned actions at national levels

- Evaluate progress and provide recommendations to Member States in the **Digital Decade Report**
- Address insufficient progress through **joint commitments**, as well as through multi-country projects and actions at EU level

Engage in **cooperative dialogue** to identify deviations from the projected trajectories
**EU Digital Principles**

**SOLIDARITY AND INCLUSION**
Technology should unite, not divide, people. Everyone should have access to the internet, to digital skills, to digital public services, and to fair working conditions.

**PEOPLE AT THE CENTRE**
Digital technologies should protect people’s rights, support democracy, and ensure that all digital players act responsibly and safely. The EU promotes these values across the world.

**SUSTAINABILITY**
Digital devices should support sustainability and the green transition. People need to know about the environmental impact and energy consumption of their devices.

**SAFETY AND SECURITY**
The digital environment should be safe and secure. All users, from childhood to old age, should be empowered and protected.

**PARTICIPATION**
Citizens should be able to engage in the democratic process at all levels, and have control over their own data.

**FREEDOM OF CHOICE**
People should benefit from a fair online environment, be safe from illegal and harmful content, and be empowered when they interact with new and evolving technologies like artificial intelligence.
1 STRATEGY

4 PILLARS

Advanced Digital Technologies
- Advanced computing
- Advanced digital technologies
- Artificial intelligence
- Data and cloud computing
- Internet of Things

Digital Society
- Cybersecurity
- Digital inclusion
- Digital public services and environments
- Green digital sector
- Language technologies
- Media and digital culture
- Next Generation Internet
- Online privacy and safety

International Cooperation in Digital
- International relations
- Digital in the Trade and Technology Council

Digital Economy
- Digital skills
- Supporting industry
- Connectivity
- Online platforms and e-commerce
3. DATA: the EU law approach
What is DATA?

1. : factual information (such as measurements or statistics) used as a basis for reasoning, discussion, or calculation
2. : information in digital form that can be transmitted or processed
3. : information output by a sensing device or organ that includes both useful and irrelevant or redundant information and must be processed to be meaningful

https://www.merriam-webster.com/dictionary/data
What LAW does...

when the **law** speaks (by mouth of the administration, the court, or the legislature) it actually **performs what it says**

when the **law** speaks (by mouth of the administration, the court, or the legislature) produces **mandatory consequences (protection, power, limitations)**

when the **law** speaks (by mouth of the administration, the court, or the legislature) aims to be **certain (and equal)**
How to approach EU (DATA) LAW
EU (DATA) normative architecture

- GDPR
- Law enforcement
- Non personal data
- E-privacy
- Digital copyright
- Open data
- Cybersecurity Act
- Digital Service Act
- AI Act (proposal)
- AI Liability (proposal)
- ...
EU (DATA) LAW

FROM THEORY TO PRACTICE
CHAPTER III - Rights of the data subject

Section 1 - Transparency and modalities

Section 2 - Information and access to personal data

Section 3 - Rectification and erasure

Section 4 - Right to object and automated individual decision-making

Section 5 - Restrictions

CHAPTER IV - Controller and processor

Section 1 - General obligations

Section 2 - Security of personal data

Section 3 - Data protection impact assessment and prior consultation

Section 4 - Data protection officer

Section 5 - Codes of conduct and certification

CHAPTER V - Transfers of personal data to third countries or international organisations

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of 27 April 2016

on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (1),

Having regard to the opinion of the Committee of the Regions (2),

Acting in accordance with the ordinary legislative procedure (3),

Whereas:

(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the ‘Charter’) and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

(2) The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. This Regulation is intended to contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, to the strengthening and the convergence of the economies within the internal market, and to the well-being of natural persons.

(3) Directive 95/46/EC of the European Parliament and of the Council (4) seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to ensure the free flow of personal data between Member States.

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(2) The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. This Regulation is intended to contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, to the strengthening and the convergence of the economies within the internal market, and to the well-being of natural persons.

(3) Directive 95/46/EC of the European Parliament and of the Council (4) seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to ensure the free flow of personal data between Member States.

(4) The exercise of personal rights should be designed to ensure a high level of protection of personal data and privacy, and to ensure respect for fundamental rights, and freedom and security of natural persons and of legal persons.

(5) The provision of Directive 95/46/EC should be adapted to the new challenges presented by the development of information and communication technologies (ICT), in particular the spread of new forms of processing which are capable of handling large volumes of personal data.

(6) The specific features of the Union’s internal market require appropriate measures to ensure the free movement of personal data between the Member States for purposes such as the pursuit of economic interests, the pursuit of a public interest, as well as the exercise of the rights conferred by the International Conventions, within the limit of the power to take or refrain from taking action enshrined in Article 29 of the Charter.

(7) The General Data Protection Regulation should modernise the personal data protection regime by ensuring a high level of protection for personal data.
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Whereas: recitals (not binding)

(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the ‘Charter’) and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

(2) The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. This Regulation is intended to contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, to the strengthening and the convergence of the economies within the internal market, and to the well-being of natural persons.

(3) Directive 95/46/EC of the European Parliament and of the Council (4) seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to ensure the free flow of personal data between Member States.

(4) The union of states is indivisible; its citizens are equal in law; the right to the protection of personal data is a right inherent in human dignity (5).
This Regulation should apply to all matters concerning the protection of fundamental rights and freedoms vis-à-vis the processing of personal data which are not subject to specific obligations with the same objective set out in Directive 2002/58/EC of the European Parliament and of the Council (18), including the obligations on the controller and the rights of natural persons.

In order to clarify the relationship between this Regulation and Directive 2002/58/EC, that Directive should be amended accordingly. Once this Regulation is adopted, Directive 2002/58/EC should be reviewed in particular in order to ensure consistency with this Regulation,

HAVE ADOPTED THIS REGULATION:  

CHAPTER I  
General provisions  

Article 1  
Subject-matter and objectives  

1. This Regulation lays down rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data.

2. This Regulation protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data.

3. The free movement of personal data within the Union shall be neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data.

Article 2  
Material scope  

1. This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

2. This Regulation does not apply to the processing of personal data:

(a) in the course of a activity which falls outside the scope of Union law;