

THE CONCEPTS OF "Fundamental RIGHTS AND FREEDOMS" VERSUS "RIGHTS AND FREEDOMS"

– AND HOW TO IDENTIFY THEM

Regarding question no. 1 we present:

Recital 4 of the Regulation states "The processing of personal data should be intended to serve humanity. The right to the protection of personal data is not an absolute right; must be assessed in relation to his function in society and must be balanced with other fundamental rights, namely in accordance with the principle of proportionality. This regulation respects all fundamental rights and observes the freedoms and principles recognized in the Charter as enshrined in the Treaties, in particular respect for private and family life, residence and communication, protection of personal data, freedom of thought, conscience and of religion, freedom of expression and right to information, freedom of business, right to effective remedy and due process, and cultural, religious and linguistic diversity." On the basis of the aforementioned Regulation, it refers to all fundamental rights and freedoms listed in the Charter fundamental rights of the EU.

Regarding question no. 2 we present:

Mention of "rights and freedoms" in specific provisions, e.g. in Art. 24 (1) of the Regulations and 25 (1) of the Regulation, goes beyond the protection of fundamental rights and also refers to other rights and freedom. This is important in relation to the risk-based approach presented in the recital 75 Regulations.

Regarding question no. 3 we present:

Based on the above, compliance with the provisions of the Regulation requires a risk assessment not only in relation to fundamental rights, but also in relation to all relevant rights and freedoms of a natural person.

Please note that for questions regarding the interpretation or application of the provisions

The final interpretation of regulations is given by a national court or the Court of Justice of the EU and not by the European Commission.