**LAW AND DATA – OPEN QUESTIONS**

**Please describe any legal provision included in EU primary law sources setting out the right to personal data protection. (up to 8 pts)**

* Personal data protection in the TEU, starting from the values of the EU as protected by article 2 TEU and the protection thereof set out in article 3 TEU.
* Personal data protection as set forth by article 16 TFEU.
* The fundamental right to data protection in the Charter of Fundamental Rights (article 8 CFR) and possible reference to article 7 CFR on the right to privacy (and their differences).
* Possible limitations of fundamental rights and, specifically, of the right to data protection in light of the safeguard clause (article 52 CFR) – the balancing of conflicting rights.

**Please describe the difference between EU regulations and directives. (up to 6 pts)**

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**Please describe the legal status of EU regulations. (up to 6 pts)**

…??

**Please describe how the right to privacy evolved into the right to personal data protection. (up to 6 pts)**

The evolution from privacy to personal data protection reflects the changing nature of information in

the digital age:

* Initially, privacy focused on the "right to be let alone," protecting individuals from intrusion into their personal lives. This concept, rooted in common law traditions, emphasized physical privacy and protection of reputation
* As technology advanced, the focus shifted to informational privacy. The proliferation of digital data collection and processing raised new concerns about how personal information was used and shared.
* In response, the right to personal data protection emerged, particularly in Europe. This right, enshrined in the EU Charter of Fundamental Rights (Article 8) and the GDPR, goes beyond traditional privacy. It provides individuals with specific rights over their data, such as access, rectification, and erasure.

Unlike privacy, data protection is more proactive, imposing obligations on data controllers and processors. It addresses not just confidentiality, but also fairness, transparency, and accountability in data processing. This evolution reflects the need for more comprehensive protection in our datadriven society.

**Please, illustrate the EU personal data protection package adopted since 2016. (up to 6 pts)**

The EU package adopted since 2016 centers on the General Data Protection Regulation (GDPR), used since 2018. This law strengthens individuals' rights and imposes obligations on organizations processing personal data. Key elements include:

* Enhanced user rights (access, erasure, portability)
* Stricter consent requirements
* Data breach notification within 72 hours
* Appointment of Data Protection Officers
* Privacy by design and default
* Hefty fines for non-compliance (up to 4% of global turnover)

The package also includes the Law Enforcement Directive for data processing in criminal matters and

the ePrivacy Regulation (still in draft) to address electronic communications privacy.

**Please, explain what ‘personal data’ means according to the EU personal data protection legislation and the difference with sensitive personal data (up to 8 pts)**

* definition of personal data according to article 4(1) of the GDPR
* definition of sensitive data, even involving article 9 GDPR
* differences in the processing of personal data and sensitive personal data
* lawful reasons for processing personal data and sensitive personal data with or without data subjects’ consent
* possible references to the origins of the definition of personal data and sensitive personal data (Convention 108, OECD Guidelines)

**Please, describe which are the main rights recognized to a data subject by the GDPR. (up to 8 pts)**

* Right to access
* Right to data retification
* Right to data erasure – right to be forgotten
* Right to processing restriction
* Right to data portability
* Right to limit the processing
* Right to object to data processing

**Please, explain the main principles for personal data processing. (up to 6 pts)**

…

**Please describe the differences of processing activities involving personal data and sensitive personal data. (up to 6 pts)**

…

**Please describe a Data Protection Impact Assessment and its aims. (up to 8 pts)**

…

**Please describe the main subjects involved in personal data processing activities and their rights and obligations according to the GDPR. (up to 8 pts)**

Controller + Processor + anyone else?

**Please describe the 2020 European Data Strategy conceived by the European Union. (up to 8 pts)**

* The GDPR that paved the way to the 2020 European Data Strategy
* Aims of the EU Data Strategy: free flow of personal data, free flow of non-personal data, single market for data
* EU Data Strategy Package: Data Governance Act, Digital Services Act, Digital Markets Act, Artificial Intelligence Act, Data Act (a summarized description of their contents).