

Data privacy in the EU (GDPR)



Instructor: Muhammad Saleem

How familiar are you with GDPR?

- A. First time I have heard
- B. Aware of GDPR
- C. Know a bit about GDPR and key principles
- D. Know a lot about GDPR and key principles

What level of support have you had?

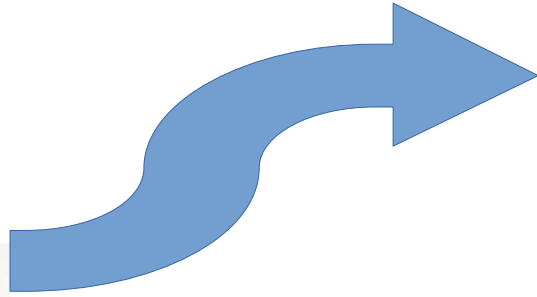
- A. No support at all
- B. Self-directed study
- C. Taken mandatory training provided by my institution
- D. Been provided guidance by my data protection officer and/or support staff

Content

- Why we need to protect the data?
- GDPR principles
- GDPR implementation
- Privacy by design and other definitions

Exercise one

- Data isnt the new oil – its the new nuclear power. – James Bridle
- Why we need to protect data?



University admission

Name

Email

Gender

Religion (for some countries)

Date of birth

Education

Experience

Where can things go wrong?

- Example of Nazis
- Lastname, firstname model instead of family name.



Geert Wilders  @geertwilderspww · Oct 11



Dus behandelingen en operaties van Henk en Ingrid met kanker, hartfalen of andere ziektes worden weer uitgesteld omdat de IC's vooral bezet worden door Mohammed en Fatima die onze taal niet spreken en lak hebben aan de regels? Zijn dat de feiten @MinPres Rutte?

[#corona](#)



1.6K



1.8K

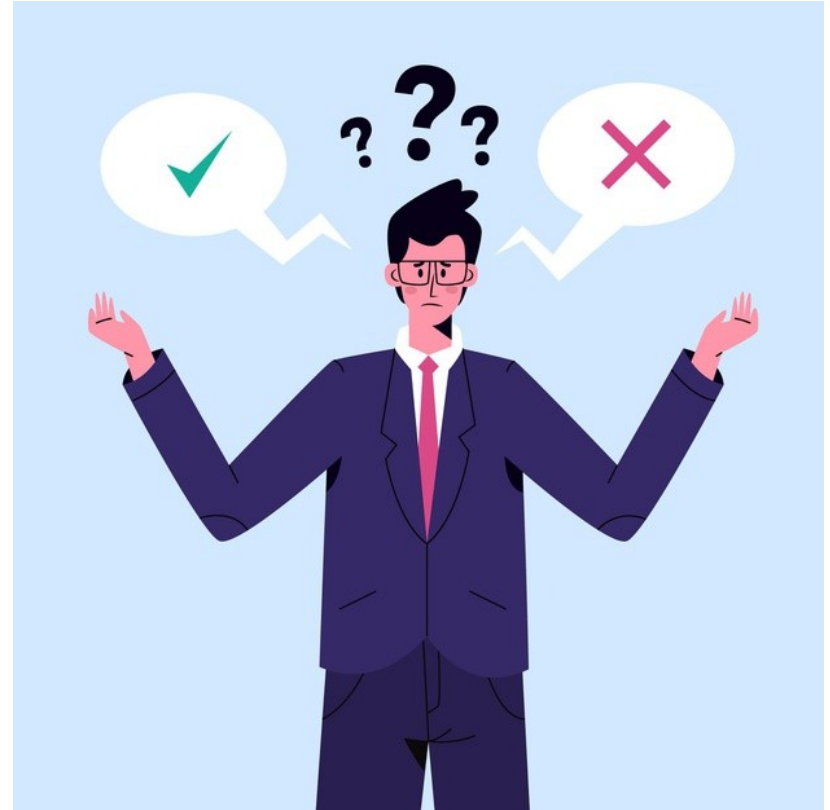


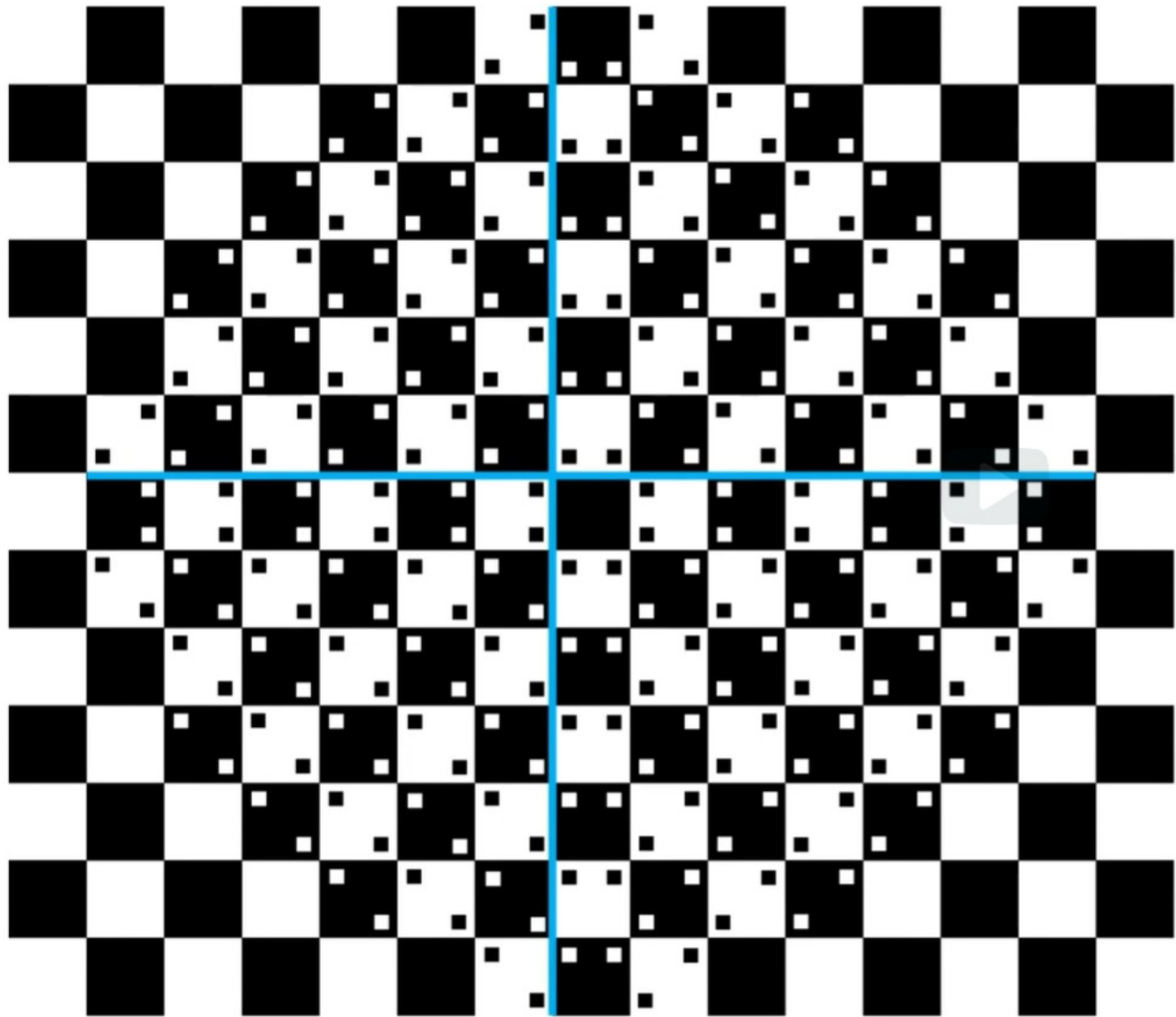
3.7K



Exercise two: Ethics

- What is ethics?





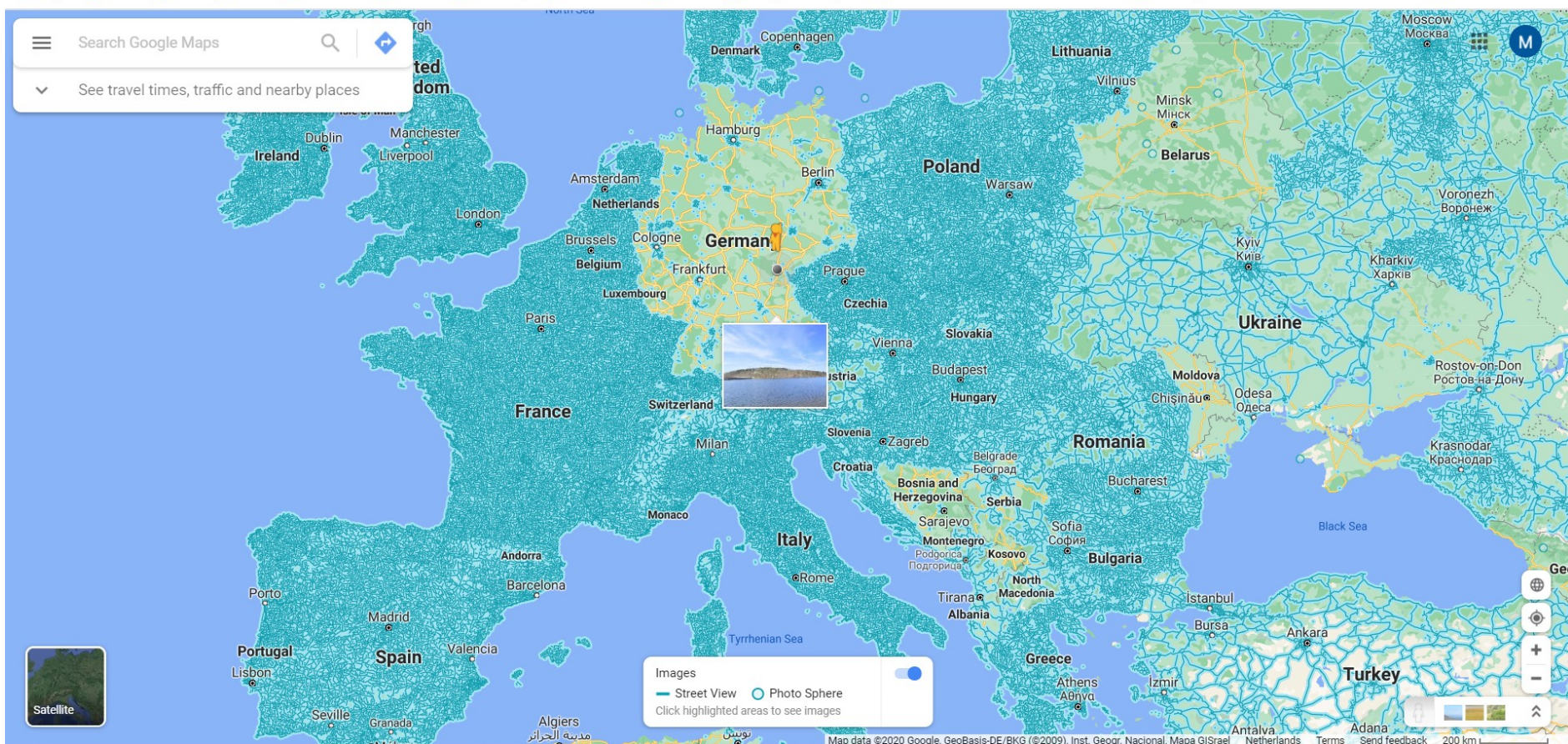
Documentary - What neo-Nazis have inherited from original Nazism

- 1. See how the far rights activists and leaders use different terms to define who is non-German.
- 2. Why you think the names of the children in the play for Holocaust is not presented?
- 3. Look at how the Nazi party segregated the society? Which type of data do you think they have used to segregate the German society?
- 4. In present year, AfD party in Germany is using Muslims as a tool to enrage nationalistic anger. How do you think they will or want to achieve this? Only use the prospect of personal data.



DW is a German public broadcast service. [Wikipedia](#)

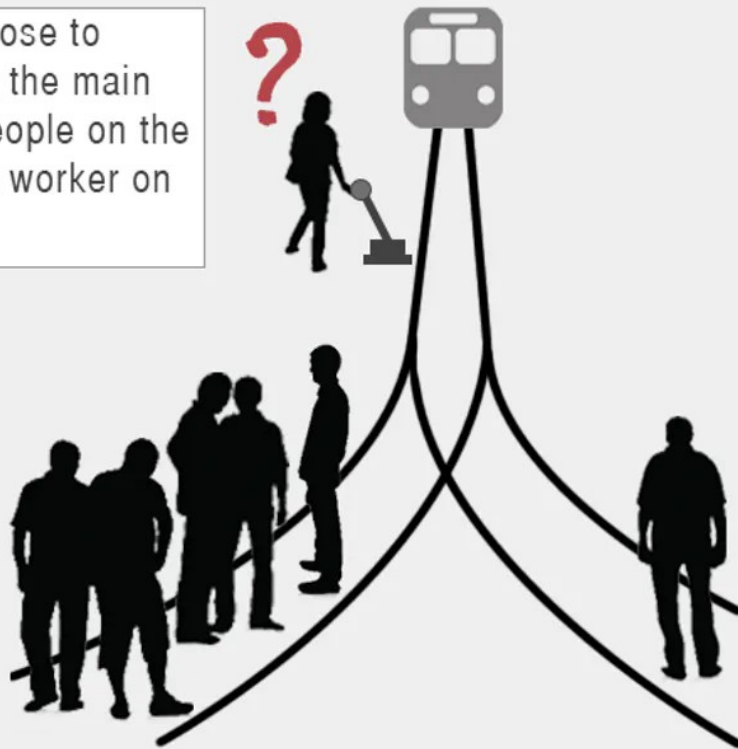
What neo-Nazis have inherited from original Nazism | DW Documentary (neo-Nazi documentary)



Exercise three: Trolley problem

The trolley problem

The person can choose to divert the tram from the main track, saving five people on the track, but killing the worker on the other track.



Kantian ethics

- "A person and indeed every rational creature exists as a goal for itself, not merely as a means for arbitrary use by this or that will."
- Fundamental difference between persons and things: Persons are rational beings. They have an absolute value, an intrinsic value. Rational beings have dignity. Things do not have dignity.
- Categorical imperative: Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end → respect human dignity
- Freedom (not happiness!) :Only those persons are free who act out of duty—in accordance with the categorical imperative. Then I act according to a moral law autonomously.

Virtue ethics

- Consequential ethics
- Paternal ethics

Recital 1

Data Protection as a Fundamental Right*

¹ The protection of natural persons in relation to the processing of personal data is a fundamental right. ² 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.

Recital 2

Respect of the Fundamental Rights and Freedoms*

¹ 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. ² 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.

Recital 4

Data Protection in Balance with Other Fundamental Rights*

¹ The processing of personal data should be designed to serve mankind. ² The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality. ³ This Regulation respects all fundamental rights and observes the freedoms and principles recognised in the Charter as enshrined in the Treaties, in particular the respect for private and family life, home and communications, the protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom to conduct a business, the right to an effective remedy and to a fair trial, and cultural, religious and linguistic diversity.

24/10/1995

Directive 95/46/EC is adopted

The European Data Protection Directive (Directive 95/46/EC) on the protection of individuals with regard to the processing of personal data and on the free movement of such data) is adopted.

[Read more](#)

EDPS Opinion on EC Communication 'A comprehensive approach on personal data protection in EU'

The European Data Protection Supervisor publishes an Opinion on the European Commission's Communication.

[Read more](#)

22/06/2011

EDPS Opinion on EC data protection reform package

The European Data Protection Supervisor adopts an Opinion on the Commission's data protection reform package.

Did you know

Accountability

- The accountability principle means that organisations and any third parties who help them in their data processing activities must be able to demonstrate that they comply with data protection principles. This includes for instance, documenting their processing activities to prove that they adopted appropriate measures and steps to implement their obligations. In certain cases, organisations will have to carry out a data protection impact assessment.

07/03/2012

23/03/2012

WP29 Opinion on data protection reform proposal

The Article 29 Working Party adopts an Opinion on the data protection reform proposal.

Did you know

Consent

- Consent of the individual is one of the few circumstances under which an organisation may lawfully process personal data. Consent must be freely given, informed and unambiguous. Individuals may withdraw their consent at any time. In addition, consent to process sensitive personal data as well as consent to transfer personal data outside the EU must be explicit.
- Parental consent is required for children aged 13 to 16, depending on the Member State.

WP29 update on data protection reform

The Article 29 Working Party provides further input on the data protection reform discussions.

Did you know

Data breach notification

- Organisations must notify data breaches to their data protection authority within 72 hours unless the breach is unlikely to pose a risk for individuals. In specific cases, they will have to inform the affected individuals.

05/10/2012

Snowden revelations 2013/2014



12/03/2014

EP adopts GDPR

The European Parliament demonstrates strong support for the GDPR by voting in plenary with 621 votes in favour, 10 against and 22 abstentions.

Did you know

One-Stop-Shop & Consistency Mechanism

- The GDPR introduces a single point of contact for cross-border data protection matters. Where the processing organisation is established in several Member States and/or where individuals in several Member States are affected, the supervisory authority in the Member State where the organisation has its main establishment will be the lead authority, responsible for adopting measures directed at the organisation, in cooperation with all involved supervisory authorities.

The General Data Protection Regulation will apply from this day

Did you know

Appointment of a Data Protection Officer

- Some organisations, for instance those whose core activities involve regular and systematic monitoring of personal or sensitive data on a large scale as well as public sector organisations, will have to appoint a Data Protection Officer to ensure they comply with the GDPR.

25/05/2018

What is GDPR

- General Data Protection Regulation
- Data protection is fundamental right like Human rights.
- It creates transparency
- It deals person as a subject

Exercise four

- What constitutes as personal data?

Personal Data

- Any information relating to an identified or identifiable natural person ('data subject'); and identifiable natural person is one who can be identified, directly or indirectly – Article 4(1)
- Personal data that has been pseudonymised _ key-coded.

GDPR: Article 9 (1)

Special categories of data

*Processing of **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** shall be prohibited.*

Key principles

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimization
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

Lawfulness

- Consent
- Contract
- Legal obligation
- Vital interests
- Public task
- Legitimate interests

Exercise five: Can you try?

- Consent?
- Contract?
- Legitimate interests?
- Accountability – Do not engage in another processor without prior specific or general written authorisation of the controller – Article 28(2).

Why protect data?

Consent

Art. 6.1

- Processing shall be lawful only if and to the extent that at least one of the following applies:
 - the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

Art. 7.1

- Where processing is based on consent, the controller shall be able to demonstrate that the data subject has consented to processing of his or her personal data.

Consent

Art. 7.3

- The data subject shall have the right to withdraw his or her consent at any time.

Art. 7.4

- When assessing whether consent is freely given, utmost account shall be taken of whether [...] the provision of a service is conditional on consent to the processing of personal data that is not necessary for the performance of that [service].



AUTORITEIT
PERSOONS
GEGEVENS



NL | EN

Search the site



Home

News

Publications

Facebook changes policy after investigation by Dutch Data Protection Authority

News message / 12 July 2018

Facebook has changed its personal data policy following an investigation by the Dutch Data Protection Authority (Dutch DPA). Aleid Wolfsen, the chair of the Dutch DPA, said: "Examining that Facebook complies with the

Background

In 2017 the Dutch DPA determined that Facebook was acting unlawfully in two respects:

- It was not adequately informing users about the fact that their personal data was being used for targeted advertising.
 - It was processing information about people's sexual orientation for commercial purposes without the users' explicit permission.
- Previously, Facebook allowed advertisers to target individuals on the basis of their sexual orientation, which users have the option of indicating in their profile. At the urging of the Dutch DPA, Facebook scrapped this option for European users in 2017.

Further investigation

Like other European data protection bodies, the Dutch DPA has questions about the new privacy policy, the legality of processing personal data and the new privacy menu. A new European privacy law, the General Data Protection Regulation (GDPR), took effect on 25 May 2018.

As a result, investigations of this nature no longer need to be carried out by the individual data protection body in every country; they can now be

Privacy and data protection

Privacy >> Data Protection

The right to privacy concerns interference with bodily integrity, decisional privacy, privacy of the home and correspondence when no processing of personal data is involved. In this case the right to privacy is more than the right to data protection.

Data Protection \neq Privacy

- Right to data protection when there is no interference with the right to privacy. When X processes my personal data on my own request, e.g. the processing of an address or banking details to deliver goods and charge one's account as a consequence of the sale of a book.

Right to Data Protection \approx Right to Privacy

- Right to privacy is primarily at stake in the vertical relationship between a government and its citizens.
- Right to data protection applies to all those who process personal data.

Data controller

- Defines the purpose and processing personal data
- Processing:
 - 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 -Article 4(2)

GDPR Implementation

- Why is my data taken
- What will be done to my data
- Where and how it is stored
- Can I delete my data?

Organisational Perspectives

- Legal and Compliance
 - ✓ Data Protection Officer (DPO)
 - ✓ Fine can be imposed if non-confirmatory
- Technology
 - ✓ Documented privacy risk assessments
 - ✓ Security breaches will have to be notified to regulators within 72 hours

Organisational Perspectives (continued)

- Data
 - ✓ Clearer oversight on data storage, journeys, and lineage.
 - ✓ Having a better grasp of what data is collected and where it is stored will make it easier to comply with new data subject rights – rights to have data deleted and to have it ported to other organisations.

Privacy-by-Design and data definition

- Mind set that has privacy at the forefront of the design.
- New Definitions of Data, what is personal data?

Takeaways

- Supported alternatives
- Human dignity
- Do no harm
- Make optional
- Obscure identity
- Limit functionality

Credits

- Prof .Dr. P.Y. Georgiadou (YOLA) from ITC, University of Twente
- Salman Usman and ALT-MEMBERS from Kingston University London
- UT Muslims Board

Thank you