



# What is the Internet doing to me? (Security and **privacy** for people in a connected world)

## Some legal issues 2 – Privacy, Data Protection, etc

Eoin O'Dell @cearta

# Data and Privacy





I dont know if you guys should be talking so loud.

# Bulk surveillance



# Bulk surveillance

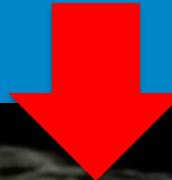


The government actually  
found someone  
we're looking for!  
**YEAH, BABY, YEAH!**

# Bulk surveillance



# Who is this?



# Who is this?



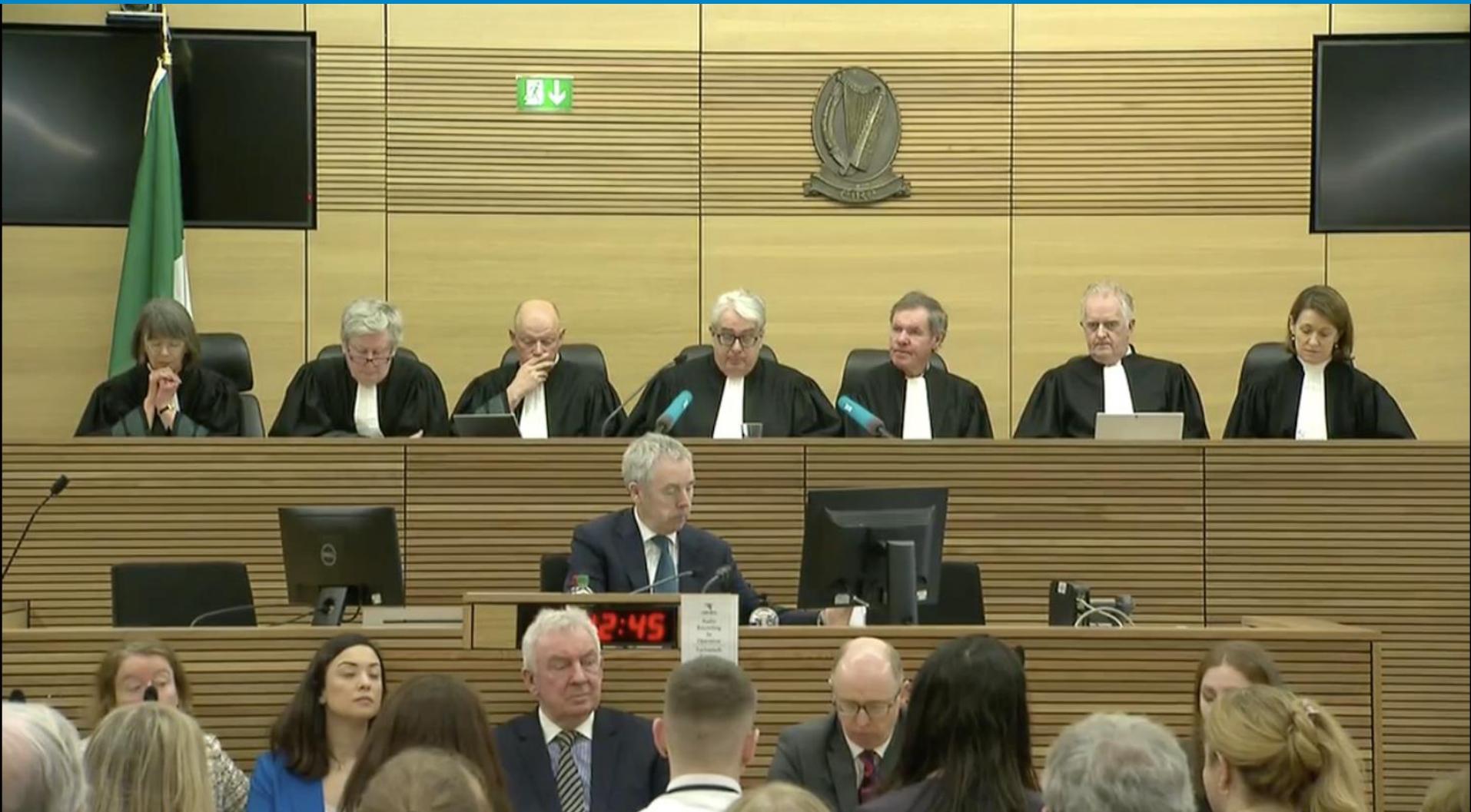
# *Dwyer v Commissioner of An Garda Síochána*

## [2020] IESC 4 (24 February 2020)



# *Dwyer v Commissioner of An Garda Síochána*

## [2020] IESC 4 (24 February 2020)



# Case C-140/20 *GD v Commissioner of the Garda Síochána* (Grand Chamber, 13 Sept 2021)



# DATA PROTECTION

# General Data Protection Regulation (Regulation (EU) 2016/679) (**GDPR**)



99 Articles

173 Recitals

21 footnotes

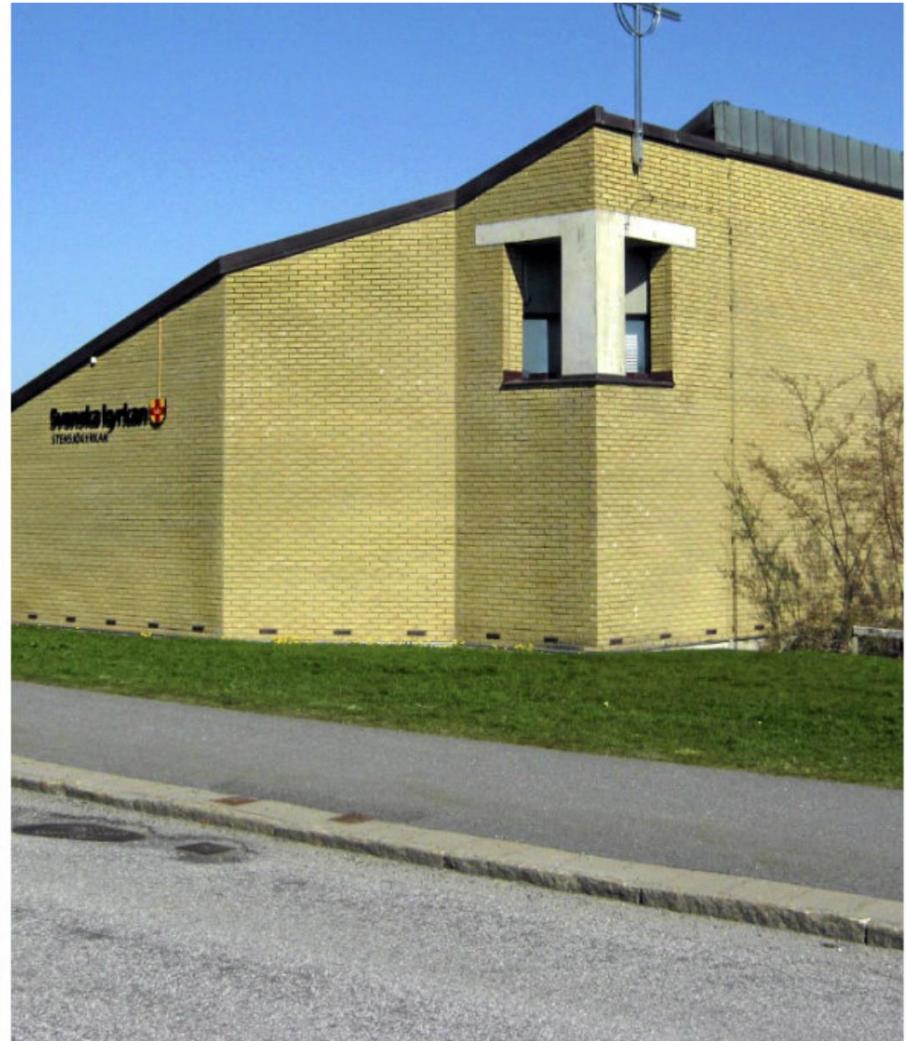
88 pages

# Data Protection Act 2018

# Personal data



# Case C-101/01 *Lindqvist*



# Case C-582/14 *Breyer*



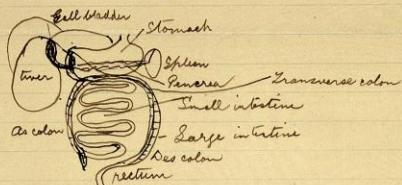
# Case C-434/16 *Nowak*



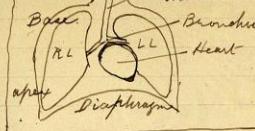
# 孫逸仙 Sun Yat Sen

1 On the middle of the abdomen is the umbilicus. Induction, first we met the skin, next the subcutaneous fascia, then we get the aponeurosis upon which the linea alba runs vertically in the middle, and the linea transversa, and linea semilunar in the two sides. There are <sup>several</sup> muscles we must often cut off the skin, ~~then~~ there are pyramidal oblique, transverse, and rectus. Under these muscle is serous membrane

2



3 The appearance of the lung is like cone, it has two lobes in the left, and three lobes on the right. each part is separated by pleura; it has 2 surfaces and 2 borders, the front surface <sup>contains</sup> the trachea. The posterior convex border is sharp & thin, the posterior round.



4 The peritoneum and pleura are serous membrane. The omentum is serous membrane <sup>and</sup> fat. The linea alba is fibrous tissue.

Sun Yat-sen

I The clavicle is situated in the arm somewhat like an staple litter <sup>is</sup> bent and flat in the external 5 <sup>with</sup> line, articulate with the sternum the acromion process at the sternum before the neck convexed in the sc

II Clavicular process is upper most p attached to the acromion fossa of

② The coracoid process is the process which attached to coracoid fossa

③ The bicipital tuberosity is the top and anterior of radius

④ Ls magnum is the middle one carpus bone

III The seventh dorsal vertebra is ~~vertebra~~ has a body in front, by two pedicles and two laminae, that is an articular one two transverse on each side has two half facet the ~~vertebra~~ ribs.

IV The acetabulum is cup shape like ilium ischium and ~~latus~~ pubis

② The tuberosity of the ischium is pubis which set on

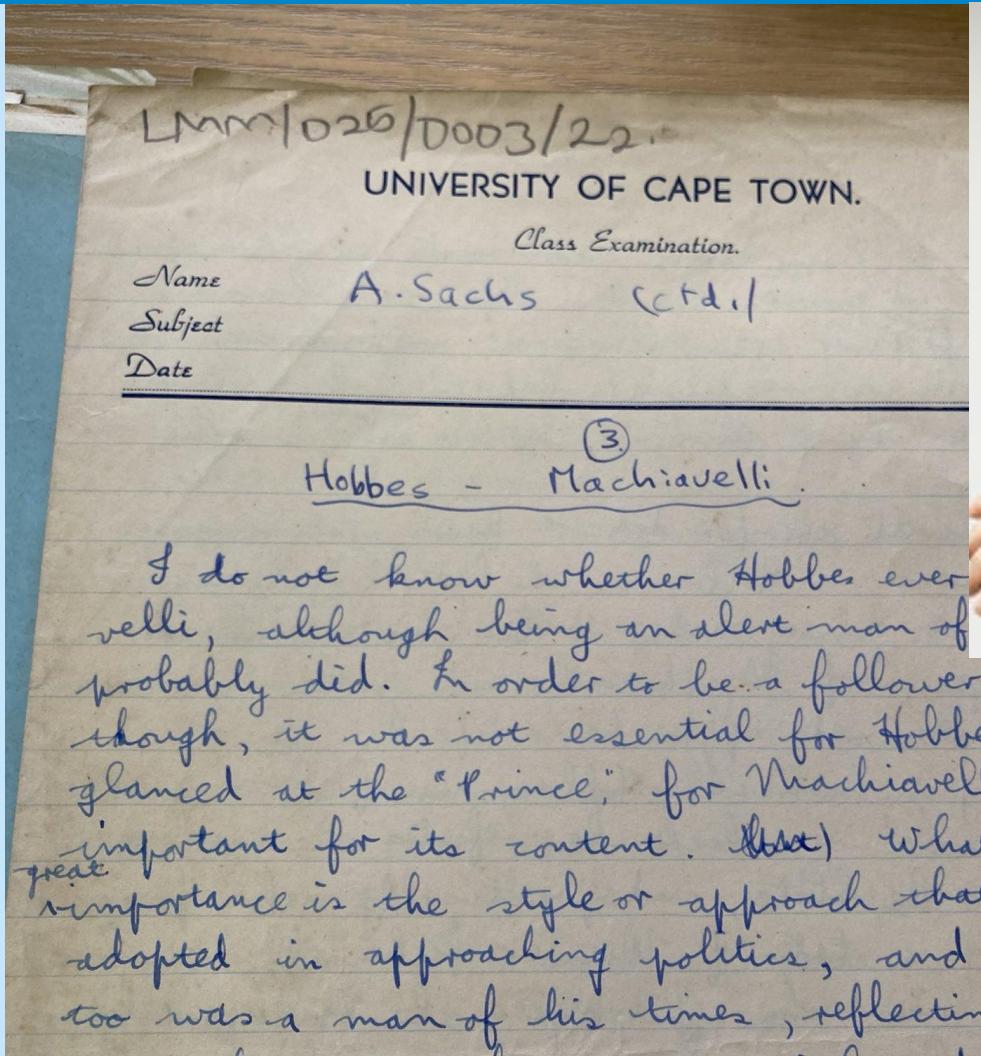
③ The obturator foramen is the foramen formed by the ischium and pubis

④ The boundary of the true pelvis is the inlet boundary formed by the prominatory of sacrum, sacrum ilium articulation, ilio pecten line and the pubic crest

Sun Yat-sen



# Albie Sachs



# Examples of personal data

# Examples of personal data

- Information about a person which relates to their personality or personal attributes
- Contact details (e.g. a person's name, home address, phone number, e-mail address) **Lindqvist**
- Online identifiers (e.g. IP address) **Breyer**
- Photographs, video images, voice recordings
- Date of birth
- Birthplace, citizenship, ethnicity, nationality
- Student/staff numbers
- CVs
- Details of gifts, donations made
- References for staff/students
- Location data
- Swipe card data (access controls)
- Examination/assignment results **Nowak**
- Signatures (including e-signatures)
- PPS numbers
- Personal financial data (e.g. bank account details, income and salary)
- Passwords & PIN numbers
- Data concerning health
- Research participant consent forms
- Clinical files relating to research participants
- Fingerprints, biometric data
- Data concerning a person's sex life and sexual orientation
- Employment history including performance history grievance/disciplinary details
- Trade Union membership
- Racial or ethnic origin
- Political, philosophical and religious beliefs and opinions
- Data relating to children



# Controllers and Processors



# Art 5(1) GDPR - Principles



Transparency and  
legitimacy



Purpose  
limitation



Data  
minimization



Accuracy

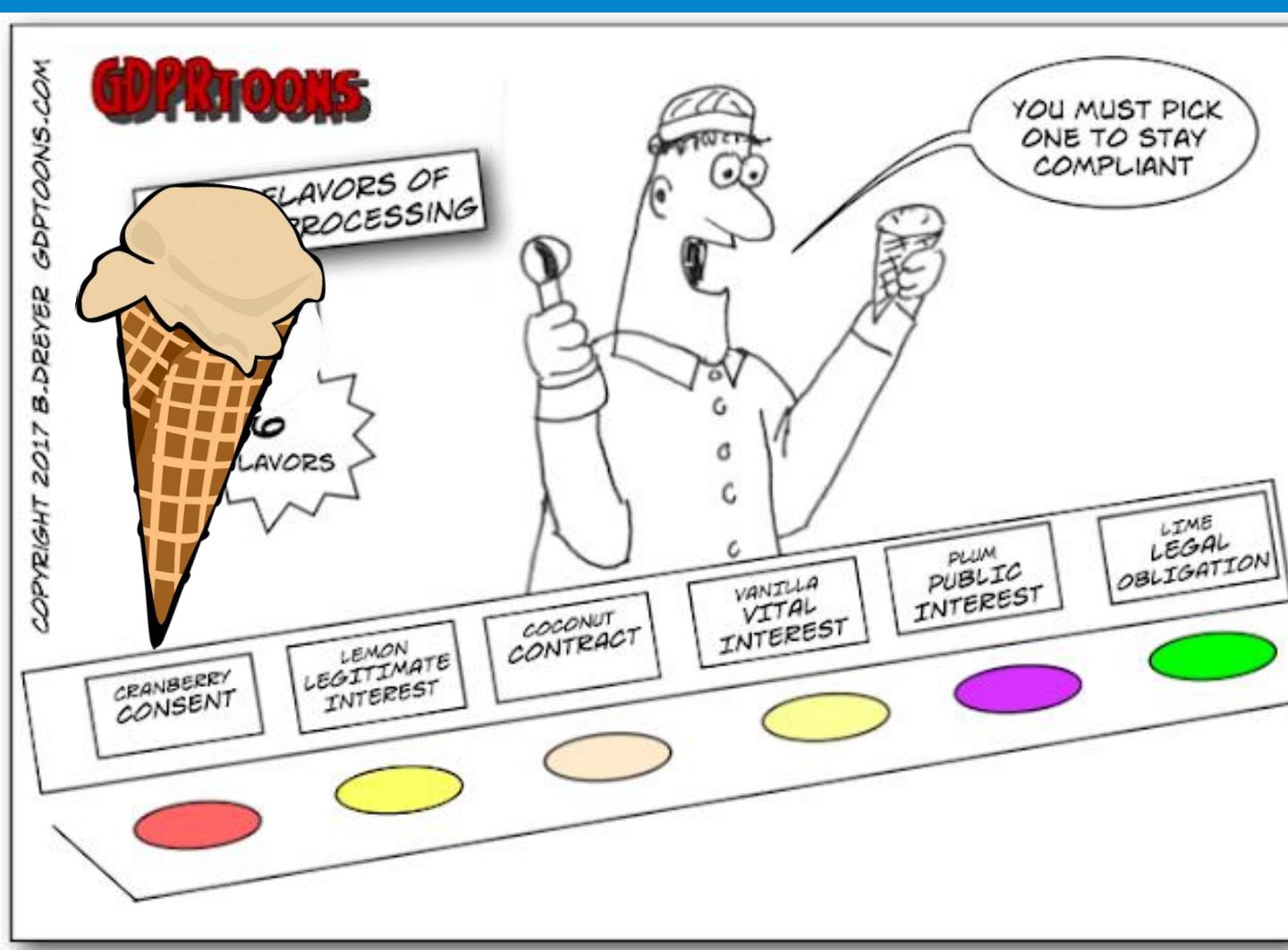


Confidentiality



Limitation of  
storage term

# Article 6 GDPR – lawfulness of processing



Cranberry  
Consent [of  
data subject]

freely given,  
specific,  
informed &  
unambiguous

# CNIL / Google

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**CNIL.**

JE SUIS UN  
PARTICULIER

PROFESSIONNEL

*Protéger les données personnelles, accompagner l'innovation, préserver les libertés individuelles*

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> La formation restreinte de la CNIL prononce une sanction de 50 millions d'euros à l'encontre de la société GOOGLE LLC

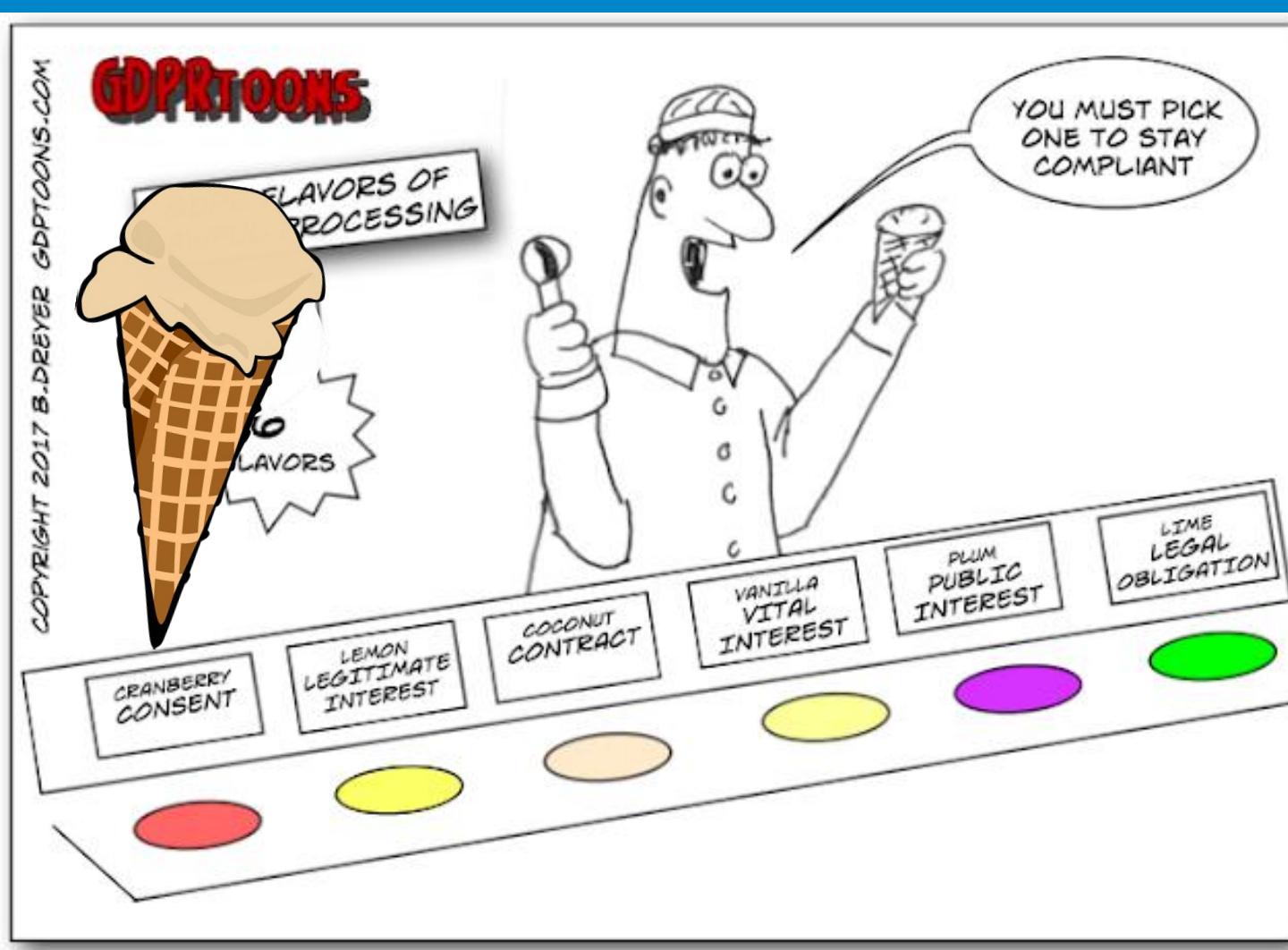


## La formation restreinte de la CNIL prononce une sanction de 50 millions d'euros à l'encontre de la société GOOGLE LLC

21 janvier 2019

*Le 21 janvier 2019, la formation restreinte de la CNIL a prononcé une sanction de 50 millions d'euros à l'encontre de la société GOOGLE LLC en application du RGPD pour manque de transparence, information insatisfaisante et absence de consentement valable pour la personnalisation de la publicité.*

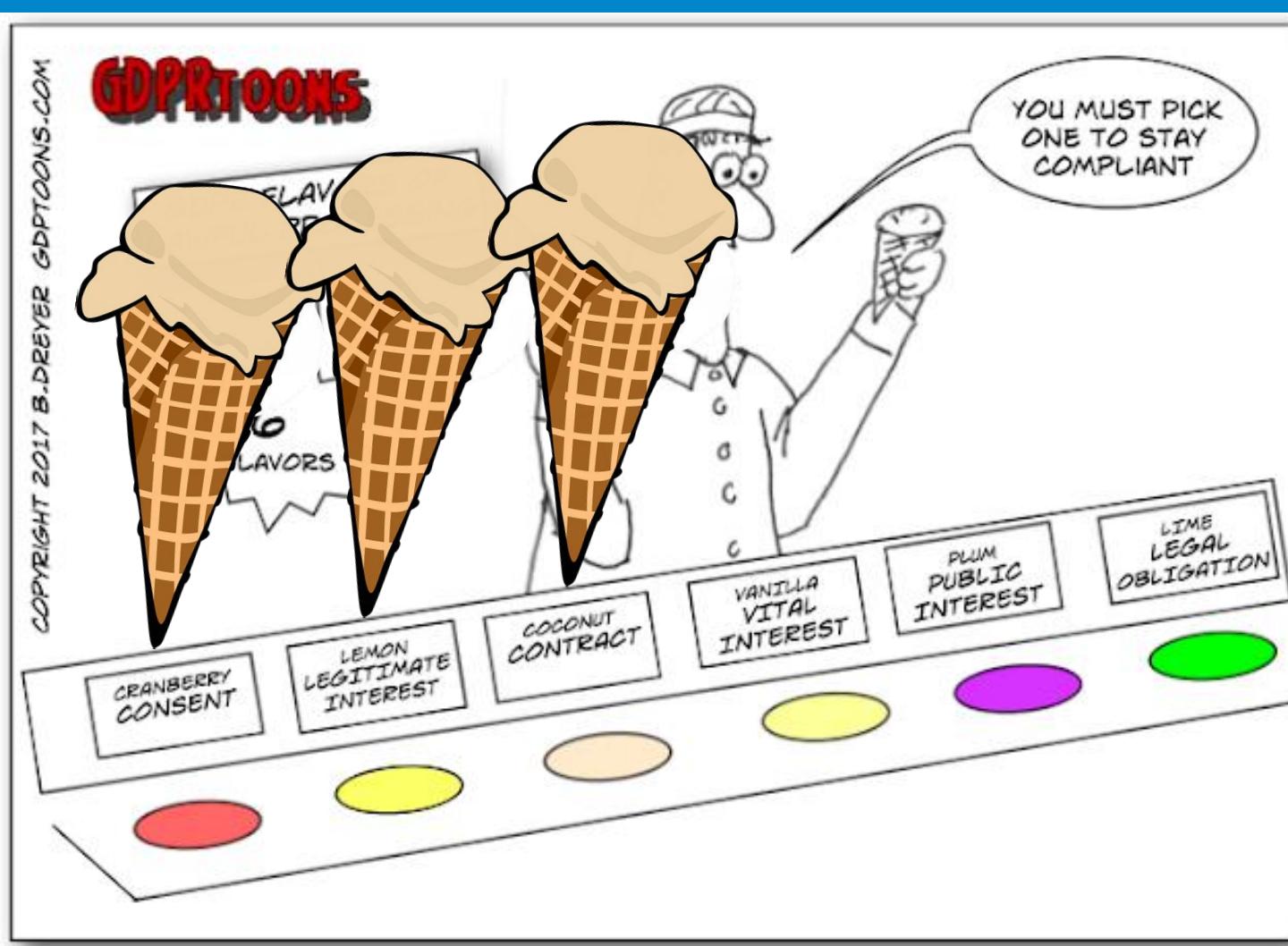
# Article 6 GDPR – lawfulness of processing



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# Article 6 GDPR – lawfulness of processing

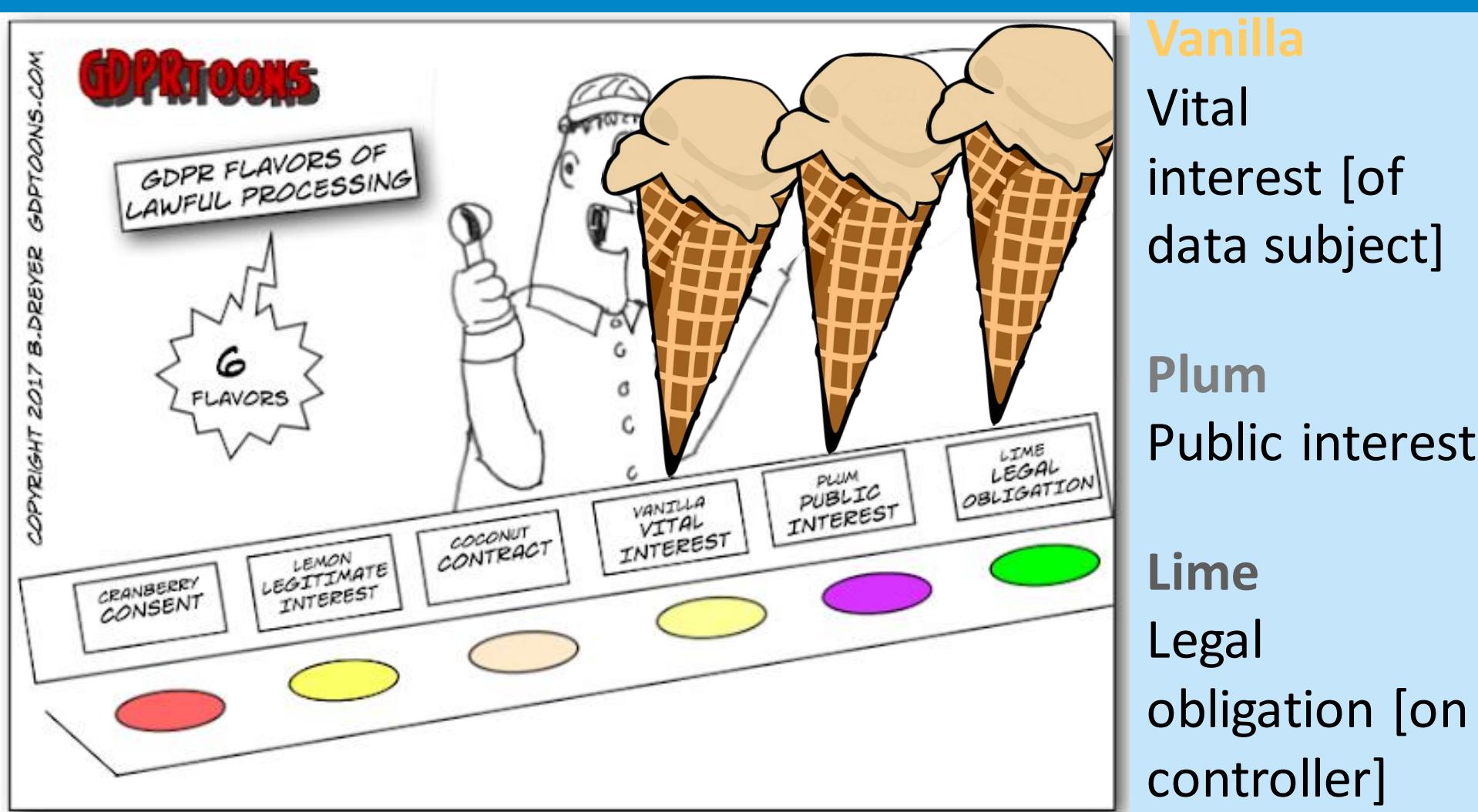


Cranberry  
Consent [of  
data subject]

Lemon  
Legitimate  
interest [of  
controller]

Coconut  
Contract

# Article 6 GDPR – lawfulness of processing



# Art 9 GDPR – special categories

A photograph showing a row of seven white wooden blocks arranged horizontally on a light-colored wooden surface. Each block has a large, bold, black capital letter on its top face, spelling out the word "SPECIAL". In the background, there is a soft-focus stack of various books in different colors, including red, green, and blue, suggesting an educational or library setting.

S P E C I A L

# Art 9(1) GDPR – prohibitions

The processing of personal data revealing

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs, or
- trade-union membership, ...

shall be prohibited.



# Art 9(1) GDPR – prohibitions

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.



# Art 9(2) GDPR – up to 10 exceptions



Paragraph 1 shall not apply if **one of the following applies:**

- (a) data subject has given **explicit consent**, ...
- (c) necessary to protect vital interests, ...
- (g) necessary for substantial public interest,
- (h) necessary for preventative medicine, or health or social care,



# Obligations of Controllers



**Notify of All Usages, Changes**



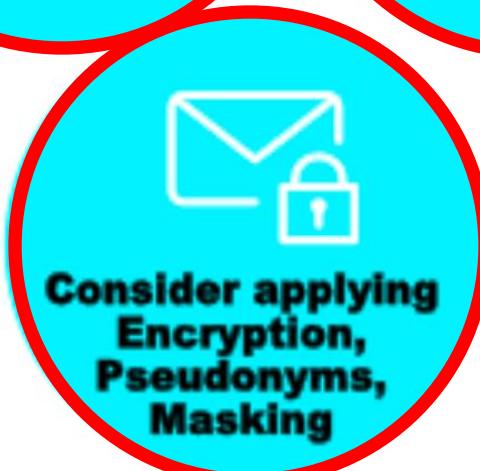
**Impact Assessments**



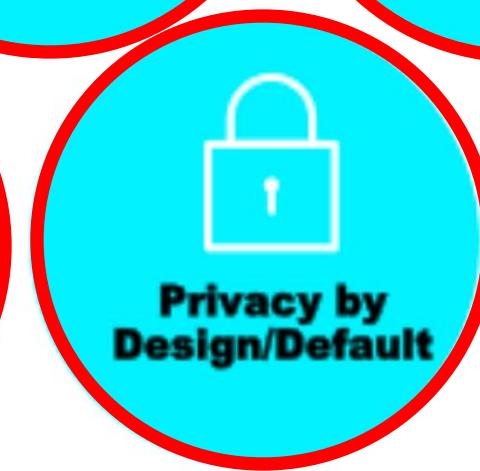
**Protect Data Transfers outside of EEA**



**Accountability**



**Consider applying Encryption, Pseudonyms, Masking**



**Privacy by Design/Default**



**Data Protection and Breaches**

# Obligations of Controllers



# Obligations of Controllers

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PRE-GDPR

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Search



An Coimisiún um  
Chosaint Sonrai  
Data Protection  
Commission

YOUR  
DATA

FOR  
ORGANISATIONS

RESOURCES

WHO WE  
ARE

NEWS AND  
MEDIA

DATA PROTECTION  
OFFICERS

## News & Media

Contact details

Press releases

Latest news

Consultations



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## Data Protection Commission announces decision in WhatsApp inquiry **a fine of €225 million**

02nd September 2021

The Data Protection Commission (DPC) has today announced a conclusion to a GDPR investigation it conducted into WhatsApp Ireland Ltd. The DPC's investigation commenced on 10 December 2018 and it examined whether WhatsApp has discharged its GDPR transparency obligations with regard to the provision of information and the transparency of that information to both users and non-users of WhatsApp's service. This includes information provided to data subjects about the processing of information between WhatsApp and other Facebook companies.

# GDPR Data Subject Rights



## The Right to Be Informed

Individuals have a right to know who is processing their personal data



## The Right to Access

Individuals have the right to access any personal data that has been collected about them



## The Right to Rectifications

Individuals have the right to require organizations to correct inaccurate personal data



## The Right to Be Forgotten

Individuals have the right to have their personal data deleted and to prevent further collection

*passim*

Art 15 (&19)

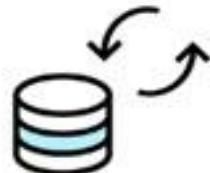
Art 16 (&19)

Art 17 (&19)



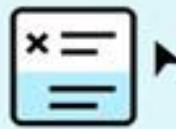
## The Right to Restrict Processing

Individuals have the right to require organizations to restrict the processing of specific categories of personal data



## The Right to Data Portability

Individuals have the right to require organizations to transfer personal data to a recipient of their choice



## The Right to Object

Individuals have the right to consent, or withdraw consent, to the processing of their personal data



## Rights in Relation to Automated Decision Making and Profiling

Individuals have the right to opt out of the use of their personal data by automated systems, such as artificial intelligence

Art 18

Art 20

Art 21

Art 22

# GDPR Data Subject Rights



## **The Right to Access**

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**Art 15 (&19)**

# GDPR Data Subject Rights



## The Right to Be Forgotten

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**Art 17 (&19)**

# Any Questions?

