



34th International Conference of
DATA PROTECTION AND PRIVACY COMMISSIONERS

Privacy and technology in balance

The new European Regulation Present situation



Organized by:

 UNIDAD REGULADORA Y DE CONTROL DE
DATOS PERSONALES



Improved rights for the individuals

- Clarification of rights and adaptation to the on-line world
- More precise definition of consent with elements of flexibility
- Data portability
- Strengthened right to object
- Right to be forgotten



One single Law for the EU

- The value of the legal instrument as a tool to overcome present divergencies
- Applicability of the Regulation to controllers not established in the EU:
 - Offer of goods or services to citizens in the EU
 - Monitoring of activities of citizens in the EU



A more harmonized implementation of the Law

- A consequence of the direct effect of the Regulation
- Harmonization of functions and powers of DPAs
- The consistency mechanism



The “one stop shop” model

- Competence of DPAs based on the “main establishment” criterium
 - Need of a better delimitation of the notion of “main establishment”
- Positive idea in the quest for harmonization and simplification
- Valid model in the context of relations controller – DPAs
- Not adequate to manage responses to citizens’ complaints
- Mixed model



Position of Public Sector

- Too broad exceptions
 - Extension of data processing for incompatible purposes
 - Exceptions on grounds of “other public interests of the Union or of a Member State”
 - DPIAs not applicable to processing derived of a legal obligation set by Union Law
- Grey zones of use by public authorities of data collected for commercial purposes and viceversa



What content for accountability?

- Welcome reinforcement of commitment of controllers to data protection
- Concerns about effectiveness of solutions
 - Regulation oriented to formal aspects, not to impact on data protection
 - Too prescriptive
 - Limited scalability
- Codes of conduct and certification not articulated with incentives



Thank you for your attention!