



34th International Conference of
DATA PROTECTION AND PRIVACY COMMISSIONERS

Privacy and technology in balance

**RIGHT TO PERSONAL DATA PROTECTION
AND FREEDOM OF EXPRESSION
IN THE NEW INFORMATION SOCIETY**

Giuseppe Busia – Secretary General, Italian DPA



Organized by:

 UNIDAD REGULADORA Y DE CONTROL DE
DATOS PERSONALES



A Fundamental Right to Data Protection

- Data Protection and Privacy are fundamental rights (EU Charter of Fundamental Rights, Lisbon Treaty, EHR Convention and case law)
- National and supranational legislation may not derogate from these rights
- No absolute rights: need for reconciling them with other fundamental rights



Data Protection vs Freedom of Expression

- Neither prevails in principle
- Balancing is necessary, on a case-by-case basis
- Tension always existed, BUT compounded by the Internet: scale, globalisation, persistence of the information
- *Example:* Online archives of newspapers



European & Italian Approaches

- EU Directive (recital 37, Article 9): reconcile
- Italian legislation (DP Code): reconcile
 - How? Technical solution for online archives (e.g.)
 - How? Co-regulation: Code of ethics for journalists (not only)



Supranational Standards and DPAs

- Future EU DP Framework (Regulation + Directive): more empowerment for «data subjects»
- Need for supranational benchmarks and principles: no national or regional issue
- Multistakeholder approach
- Flexibility in implementing: DPAs have a role to play (independent, experienced, rights-oriented)
- Start from achieved standards (Madrid, et al)



34th International Conference of
DATA PROTECTION AND PRIVACY COMMISSIONERS

Privacy and technology in balance

- To conclude:
- The role of DPAs in providing real protection to Fundamental Rights.
- The importance to share the Content of the Fundamental Right by all the countries.



Organized by:

 UNIDAD REGULADORA Y DE CONTROL DE
DATOS PERSONALES