



*Institut für Rechtsinformatik*

# Impacts of the new EU-Regulation on Data Protection Law

(Regulation (EU) 2016/679 OJ L 119,1)

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Kilian

Prof.em. Dr. Dr.h.c. Wolfgang



Leibniz  
Universität  
Hannover

# General Data Privacy Principles

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Council of Europe Convention No. 108 (1981)



UN - Guidelines (1990)



OECD - Guidelines (1990)



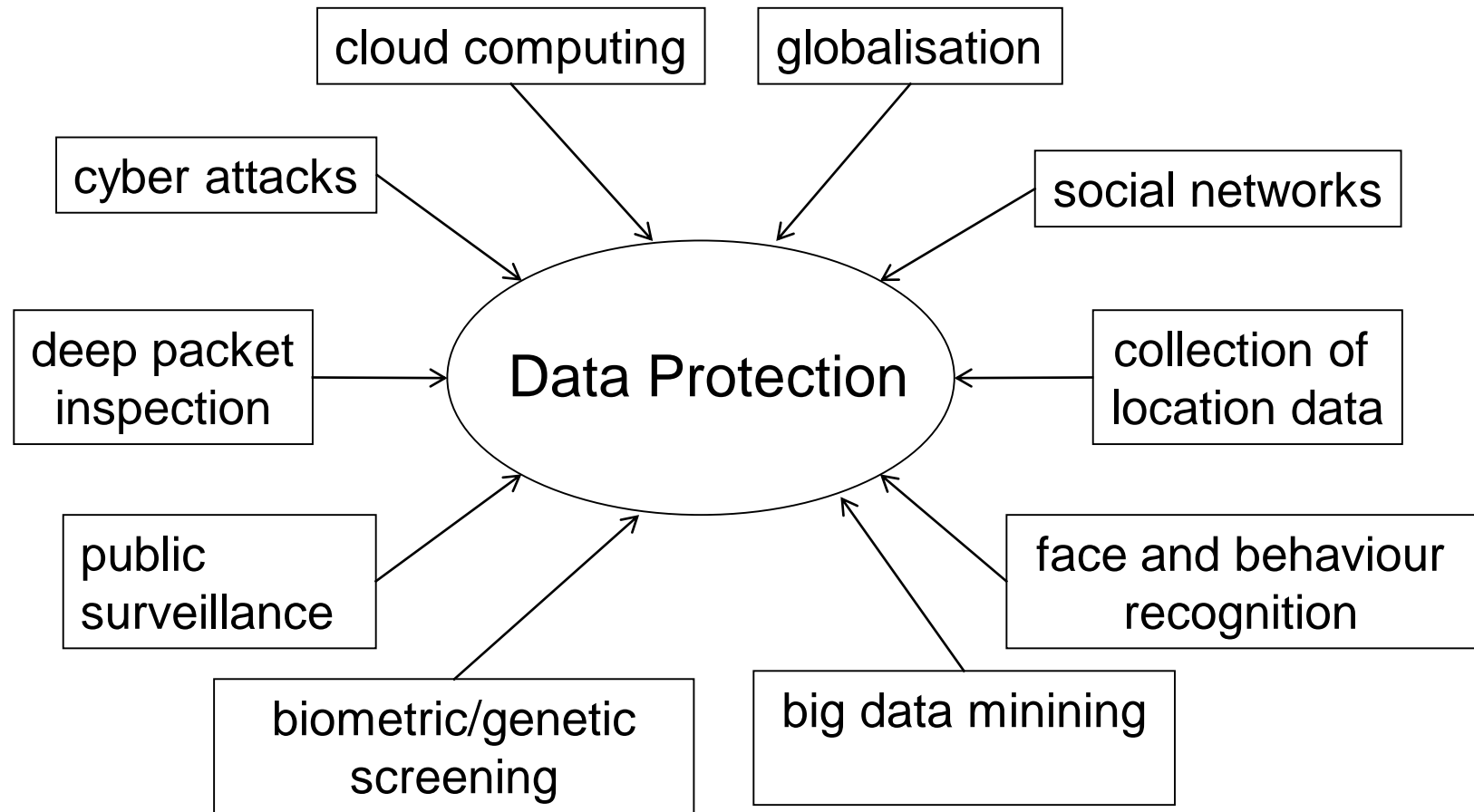
EU - Charta and Directives (1995/2002/2006/2009)



Asia-Pacific  
Economic Cooperation

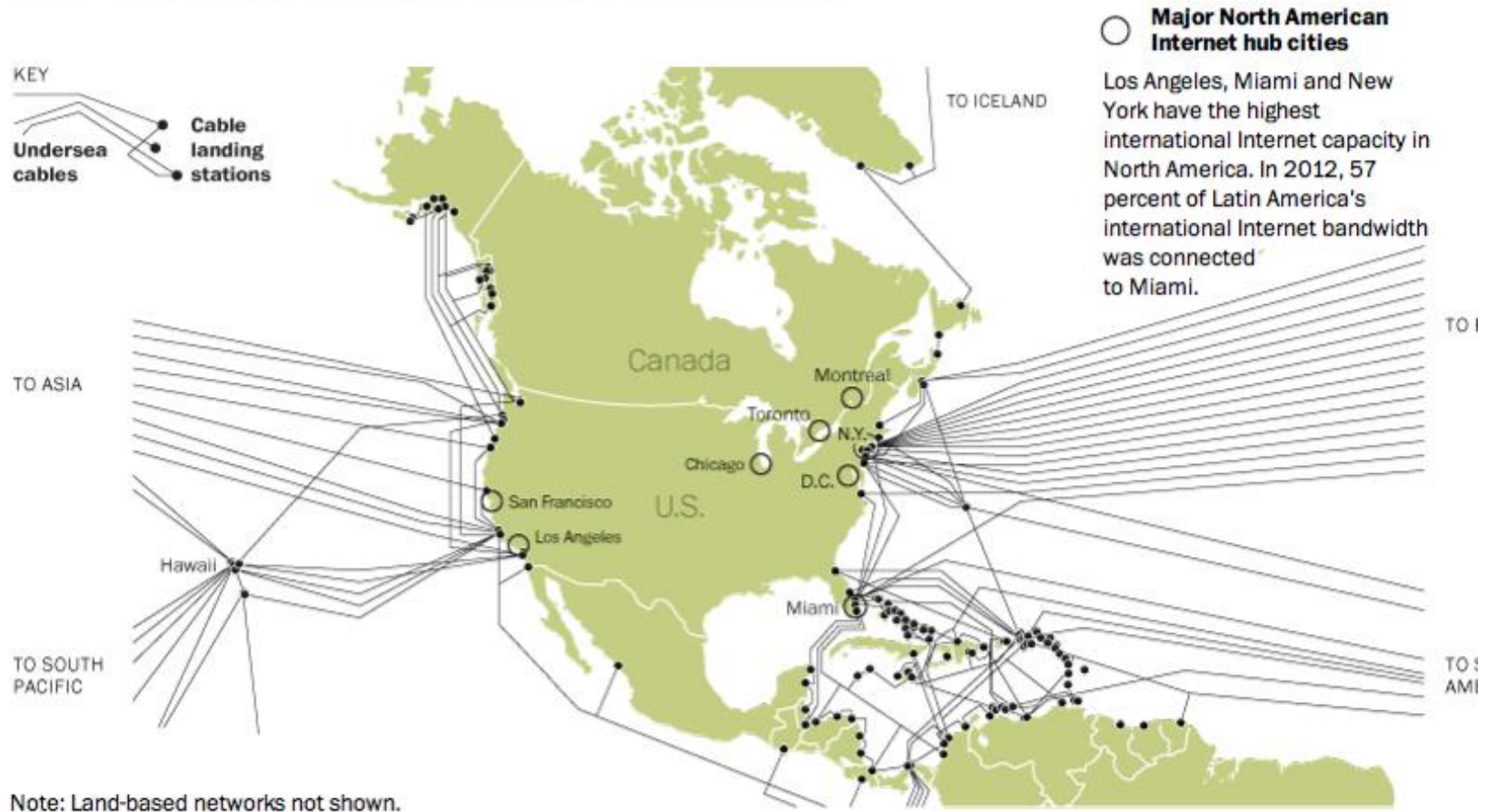
APEC - Privacy Framework (2005)

# Reality of Data Protection



## Glass Fibre Cables

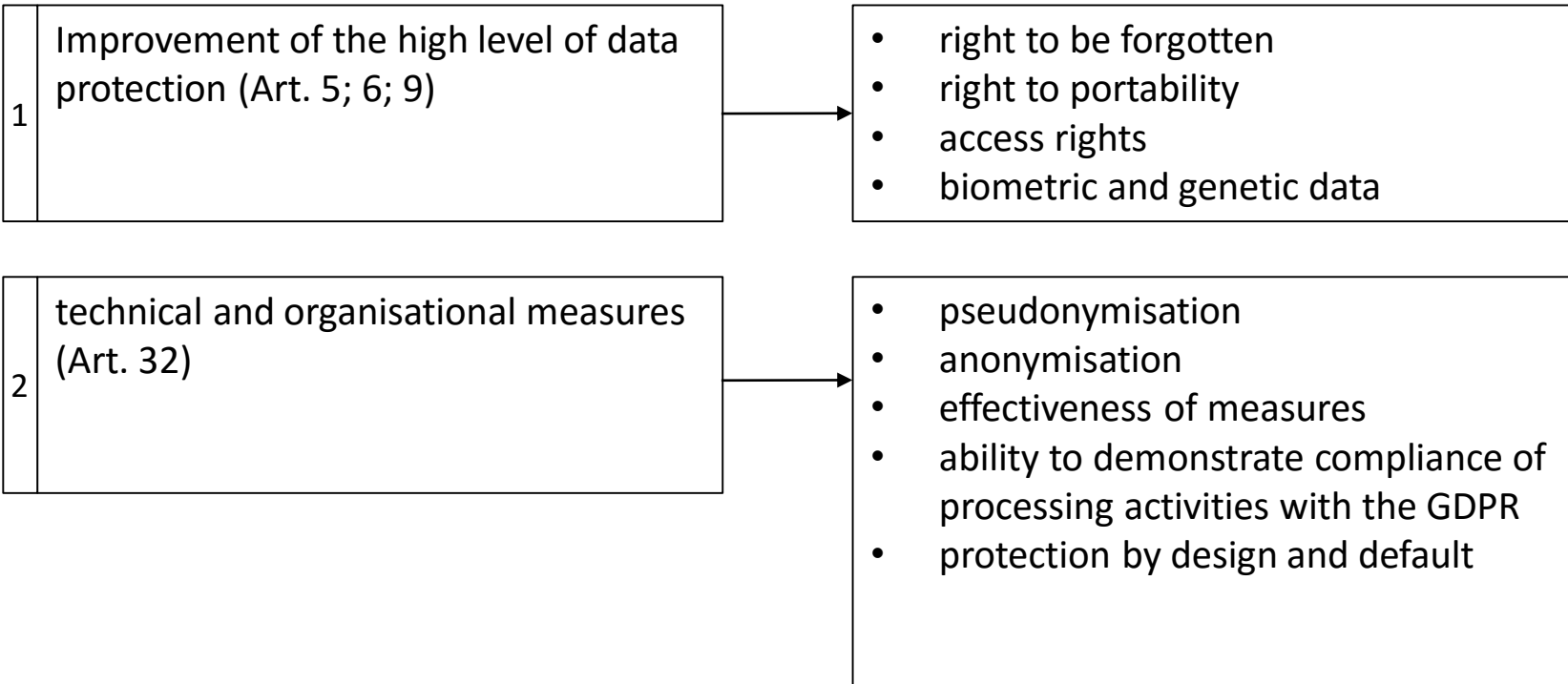
### Map of cables connecting North America to the rest of the world



## Impacts of GDPR

### Dimension

### Main Subjects



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3	Responsibilities of the controller (Art. 5; 24; 28; 30-37)
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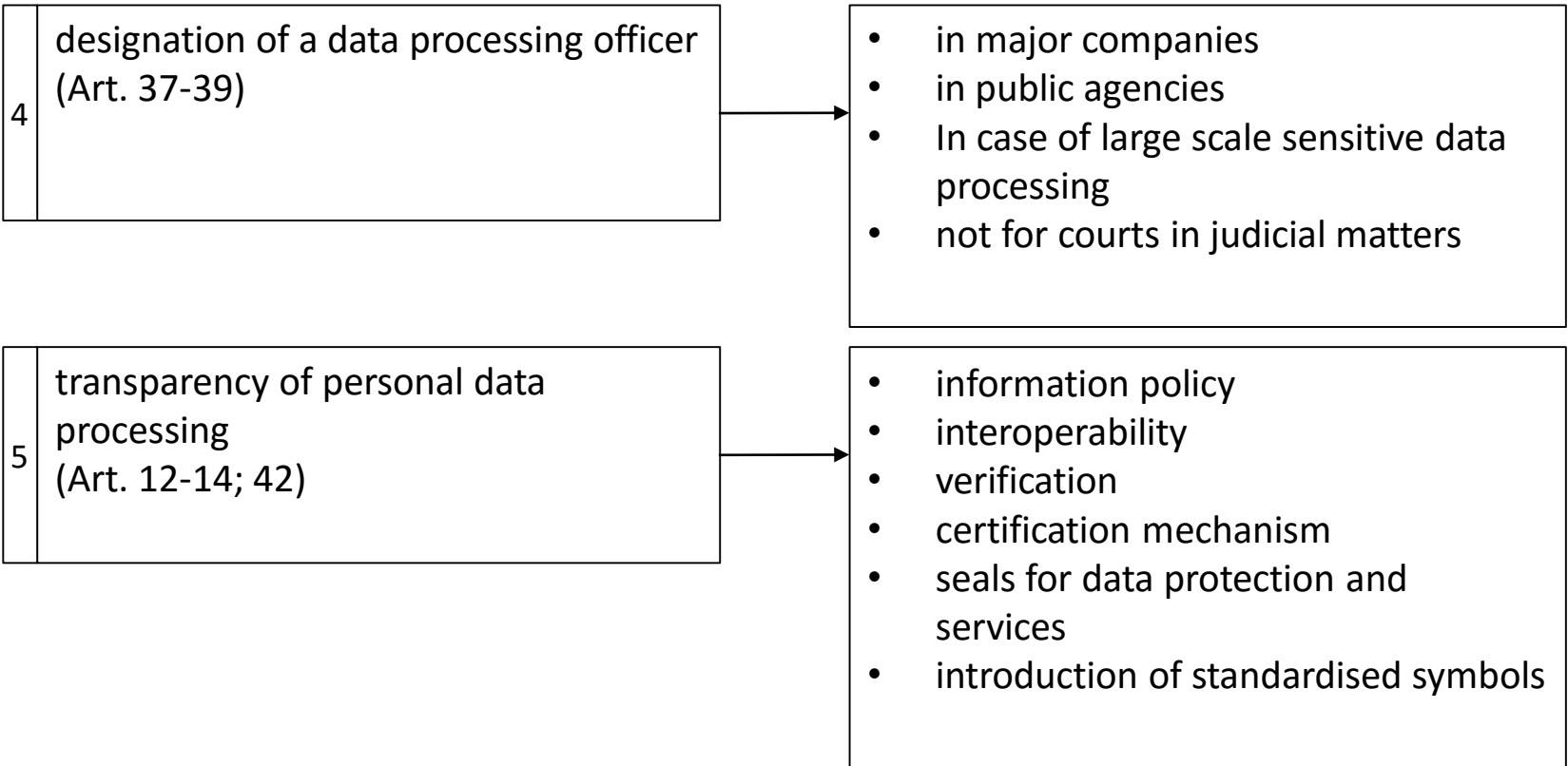
### Main Subjects

- adoption of internal policies
- respecting the state of the art
- enabling data protection by design and default
- records of processing activities
- ex ante data protection impact assessments for all measures
- notification of risky personal data breaches to the data subject and to the supervisory authority within 72 hours
- consultation of supervisory authorities and/or experts in risky cases
- preventing physical, material and non-material damage resulting from loss of control by the data subject, if data processing concerns analysis, prediction, behaviour, location, health or performance of a person
- selecting processors who provide sufficient guarantees
- conclusion of outsourcing contracts

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6	law efficiency (Art. 3;	<ul style="list-style-type: none"> <li>• applicability of GDPR in international context</li> <li>• criteria for providing an adequate level of protection</li> </ul>
7	additional Member States law (Art. 23; 43; 85; 87)	<ul style="list-style-type: none"> <li>• personal data in the employment context</li> <li>• national security</li> <li>• deceased persons</li> <li>• obligations of the controllers</li> <li>• procedural law for supervisory authorities</li> <li>• exemptions and derogations for balancing fundamental rights</li> <li>• personal data in the public interest (research; statistics; archiving)</li> <li>• national identification numbers</li> <li>• reconciling journalistic and scientific freedom of expression</li> <li>• certification and accreditation bodies</li> </ul>



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8	professional associations of controllers and processors	→	<ul style="list-style-type: none"> <li>• development of codes of conduct</li> </ul>
9	supervisory authorities on national EU-level	→	<ul style="list-style-type: none"> <li>• monitoring</li> <li>• investigative powers</li> <li>• one-stop-shop mechanism</li> <li>• binding measures in writing</li> <li>• enforcement and sanctions</li> </ul>
10	sanctions	→	<ul style="list-style-type: none"> <li>• liability and compensation (Art. 82)</li> <li>• administrative fines (Art. 83)</li> <li>• penalties (Art. 84)</li> </ul>

## Unresolved Issues in GDPR

1

„big data“ topic

2

technical standards for portability

3

specific measures for micro-, small and medium-sized enterprises

4

definition: „related“ purpose

5

Brexit