



European
Commission



Joint Research Centre

the European Commission's
in-house science service

Joint
Research
Centre

Protection of Personal Data

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Joint Research Centre

The European Commission's in-house
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Stimulating innovation

Supporting legislation

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Applicable rules – GDPR et al.

General Data Protection Regulation + Member States' laws

Member State specific review necessary

E.g. GDPR does not apply to the personal data of deceased persons. Member States may provide for rules regarding the processing of personal data of deceased persons.

For the Joint Research Centre (European Commission):

Regulation 45/2001; to be replaced soon by Internal Data Protection Regulation (aligned to GDPR)

Personal Data - Anonymisation – Pseudonymisation - Encryption

Personal data - any information concerning an identified or identifiable natural (living) person.

Pseudonymisation - information can be attributed to a natural person by the use of additional information (all the means reasonably likely to be used, by the controller or by another person to identify the natural person directly or indirectly).

Pseudonymous data are personal data.

Encryption is a (useful) security measure, not means to avoid personal data protection.

Anonymous data

Account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration the available technology at the time of the processing and technological developments.

The principles of data protection do not apply to anonymous information, i.e. information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable.

Purpose of the rules – protection AND free flow of data

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.

GDPR aims also at removing obstacles to flows of personal data within the Union.

Purpose of personal data protection rules is not to prevent you in dealing with personal data but to provide adequate safeguards!

Controllers, Joint Controllers, Processors

The controller shall implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance the rules

Joint controllers shall determine their respective responsibilities for compliance with the obligations by means of an arrangement between them.

Processing by a processor shall be governed by a contract or other legal act under Union or Member State law, that is binding on the processor with regard to the controller.

Third country transfers

EEA - EU Member States + Norway, Liechtenstein and Iceland

The European Commission has so far recognised Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland, Uruguay and the United States of America (limited to the Privacy Shield framework) as providing adequate protection. Transfers are assimilated to intra-EU transfers.

With other third countries (or with actors outside the adequacy framework) – other safeguards necessary (such as standard contractual rules).