

INTERNET PRIVACY & DATA PROTECTION

18th of October | (10:00-14:00)

SEMINAR I: The history, context and background of European Data Protection Law: the legal framework and institutions | Professor Zwenne

SEMINAR II: Key concepts of EU Data Protection law. Applicability of EU DP law (DPD and GDPR) | Professor Zwenne

In Seminar I professor Zwenne will discuss the history, context and background of European Data Protection Law: the legal framework and institutions. In Seminar II the key concepts applicability and territorial scope are set-out. For both seminars students are expected to have prepared answers on the questions below, which may be discussed in class.

QUESTIONS

1. According to Warren & Brandeis (Harvard Law Review 1890), “[r]ecent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual what Judge Cooley calls the right ‘to be let alone’. To what (type of) inventions and business methods do they refer?
2. Why did policymakers see the need for data protection law (data privacy law) in the end of the 1960s and the early 1970s?
3. When did the European Convention of Human Rights (ECHR) enter into force?
4. What is the role of the position papers, policy papers, and background papers by the EDPS? Are they legally binding?
5. Explain in a few sentences what the Article 29 Working Party is. What is the role of the Working Party’s ‘opinions’? Are they legally binding?
6. What are the two main objectives of the Data Protection Directive (DPD)?
7. The GDPR will replace the DPD. For what reason(s) did the EU-legislator opt for a regulation, and not (again) for a directive? What are the definitions of the controller and the processor in the DP Directive 95/46/EC and the GDPR? Give a few real examples of both.
8. A company has a small ICT-department, consisting of five employees that provide ICT-support to other employees in the company. Does this ICT-department qualify as processor? Why (not)?
9. What is meant by ‘joint controllership’? What are the consequences of such joint controllership?
10. What was the SWIFT-case about?
11. Do pseudonymous data qualify as personal data? Why (not)?
12. When is an individual considered to be identified? And what does ‘singling-out’ mean?
13. A data subject dies. Is his data still protected under EU DP law?
14. What did the CJEU say about IP-addresses?
15. What are ‘special data’ or ‘special categories of personal data’?
16. A controller decides to anonymise a personal data. Is the process of anonymisation covered by the concept of processing personal data?
17. In the Google Spain-case the Court ruled that the Spanish DP Act did apply to the processing of personal data controlled by Google Inc., which is established in Mountainview (CA) in the US. How did the Court come to that?
18. A Dutch electronics manufacturer instructs an US-based ICT-service provider to analyze a set of personal data on individuals in South Africa. Does the DP Directive 95/46/EC or the GDPR apply to that processing?
19. DP Directive 95/46/EC and the GDPR have different rules regarding the territorial scope. What are the differences? What are the similarities?
20. A Dutch electronics manufacturer instructs an US-based ICT-service provider to analyze a set of personal data on individuals in South Africa. Does the DP Directive 95/46/EC or the GDPR apply to that processing?

