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# THE CORE CONTENT OF PERSONAL DATA PROTECTION:

## A CONCEPTUAL CONTROVERSY

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28/11/2012, PRESCIENT International Conference



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## The EU right to the protection of personal data

- Art. 8 EU Charter Fundamental Rights
- EU Court of Justice case law
- Proposal for a Regulation to replace the Data Protection Directive, Art. 2(1): *"This Regulation protects the fundamental rights and freedoms of natural persons, and **in particular their right to the protection of personal data.**"*





## Art. 52(1) Charter

*"Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and **respect the essence of those rights** and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others."*





## Art. 8 Charter: Protection of personal data

- 1. Everyone has the right to the protection of personal data concerning him or her.*
- 2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.*
- 3. Compliance with these rules shall be subject to control by an independent authority.*





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## **Art. 8 ECHR: Right to respect for private and family life**

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.





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