



CCL@BOND
CENTRE FOR COMMERCIAL LAW

Primer on Data Privacy Law

CIRCULATION VERSION

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See also 'Primer'
in the
Seminar BOOKLET
pages 7-9

“Understanding Data Privacy & Data Protection in a ‘4.0’ World”

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Data privacy law: What is it?

- **Technology - constant driving force**
 - Technology develops quickly
 - Laws develop slowly
 - Law is now trying to catch up (but is already behind again)
- **Privacy - fundamental human right**
 - Right to Privacy applies to all technologies
 - The difficulty of protection privacy makes the right to privacy even more important
 - Interpretation/application of data privacy law is affected by each state's fundamental values
 - Same legal rule can be interpreted/applied differently in different countries
- **Regulates processing of Personal Data to protect privacy**
 - Avoid personal data and you can avoid data privacy law
 - Data minimisation and smart data processing
- **Ecosystem:**
 - Data subject – Controller – Processor



Data privacy law: What is it?

- **Common rights and obligations**
 - Processing (collection, use & disclosure)
 - Openness & transparency
 - Data quality
 - Access & correction
 - Data security
 - Cross-border data transfers
- **Compliance is not optional, you can't contract out of data privacy law as such, BUT...**



Key Concepts: Consent

- Unambiguous
- Informed
- Free
- Specific
- Right to withdraw
- Bundled consent (to a number of actions with one click)
- An uneasy relationship with contract law (eg online Terms of Use agreements)
- Difficult to achieve all elements



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Thank you.
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