

# Processing of personal and business data and the rule of law in the era of digital trade

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# Data Flows

## Trade

- Restrict/Regulate online content
- Promote trade in digital services

## Internet Governance

- Promote data flows: Openness
- Safeguard security and privacy

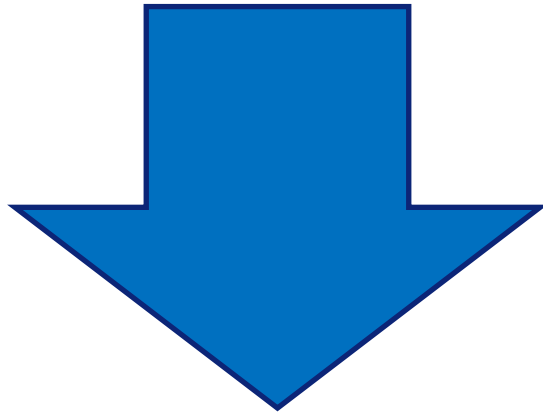
## Taxation

- Increase exchange of data
- Proportional, legitimate and privacy

## Privacy and data protection

- Protect personal and sensitive data and introduce safeguards

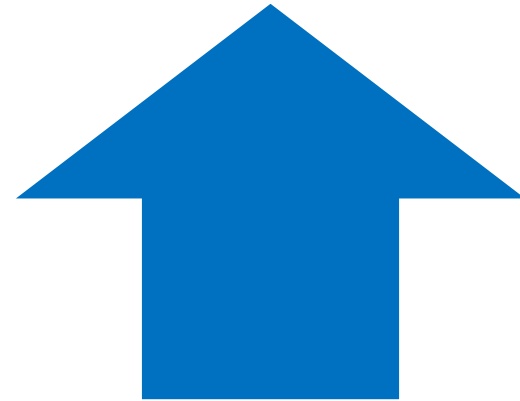
# Balance



**Internet  
regulation  
and  
protection of  
privacy**



**Liberalization  
of trade: data  
flows and  
digital  
services**



# Data protection in the era of digital trade



# Protection of personal data



# Profiling

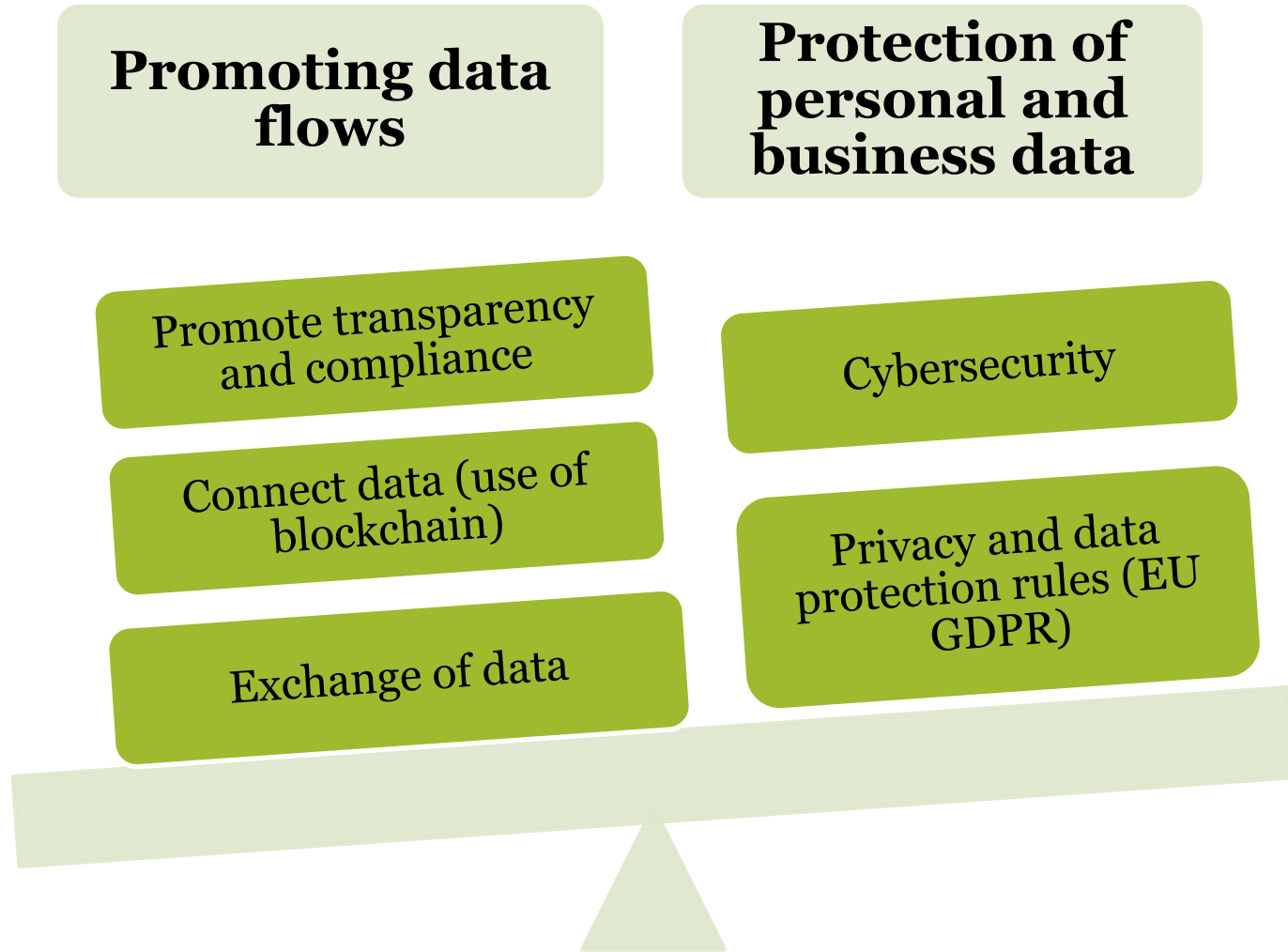


# Analysis of data





# Balance



# Protection of personal data in the era of digital trade

- To establish international rules in data flow;
- Regulate information sharing and automatic processing of personal data;
- Protection of privacy and personal data on the Internet and online media ;
- Improving user protection and security in cyberspace;
- Protecting and balancing human rights and fundamental freedoms (privacy vs. freedom of information)

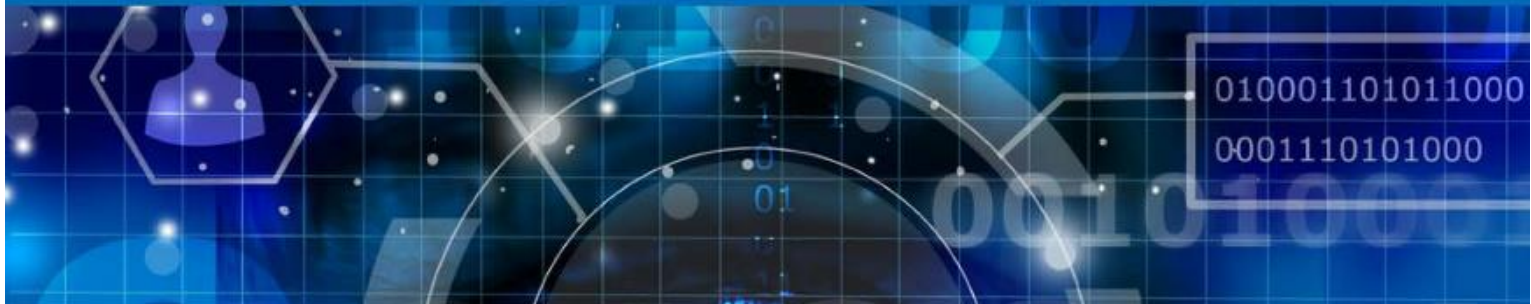
# Binding Instrument

1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

- Protects the individual against abuses which may accompany the collection and processing of personal data and which seeks to regulate at the same time the transfrontier flow of personal data.
- 2001 Protocol: Access to third countries. Ratified by CoE members and also non-members ) Cabo Verde, Mauritius, Mexico, Senegal, Tunisia and Uruguay).

# Guidelines 2017

Guidelines on  
the protection of individuals  
with regard to the processing  
of personal data in a world of Big Data



# Binding Instrument

- ***2018 (October) Protocol: Update***

- Reinforced powers and independence of the data protection authorities and enhancing legal basis for international cooperation;
- Greater transparency of data processing;
- Obligation to declare data breaches;
- New rights for the persons in an algorithmic decision making context, which are particularly relevant in connection with the development of artificial intelligence;
- Stronger accountability of data controllers;
- Requirement that the “privacy by design” principle is applied.

# Further reading

- N. Mishra, Building bridges: International trade law, internet governance and the regulation of data flows. *Vanderbilt Journal of Transnational Law* (Forthcoming).
- F. Debelva and I. Mosquera. Privacy and Confidentiality in Exchange of Information Procedures: Some Uncertainties, Many Issues, but Few Solutions. *Intertax*, May 2017

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- **Leiden University, Institute of Tax Law and Economics**
- **GLOBTAXGOV project receives funding from the EU H2020 Research & Innovation Programme and European Research Council**  
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