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

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From data to big data & data analytics

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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

Promoting data flows
- Promote transparency and compliance
- Connect data (use of blockchain)
- Exchange of data

Protection of personal and business data
- Cybersecurity
- Privacy and data protection rules (EU GDPR)
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


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