

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

Irma Johanna Mosquera Valderrama

Associate Professor of Tax Law– Principal investigator *EU-ERC GLOBTAXGOV*



Universiteit
Leiden
The Netherlands



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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

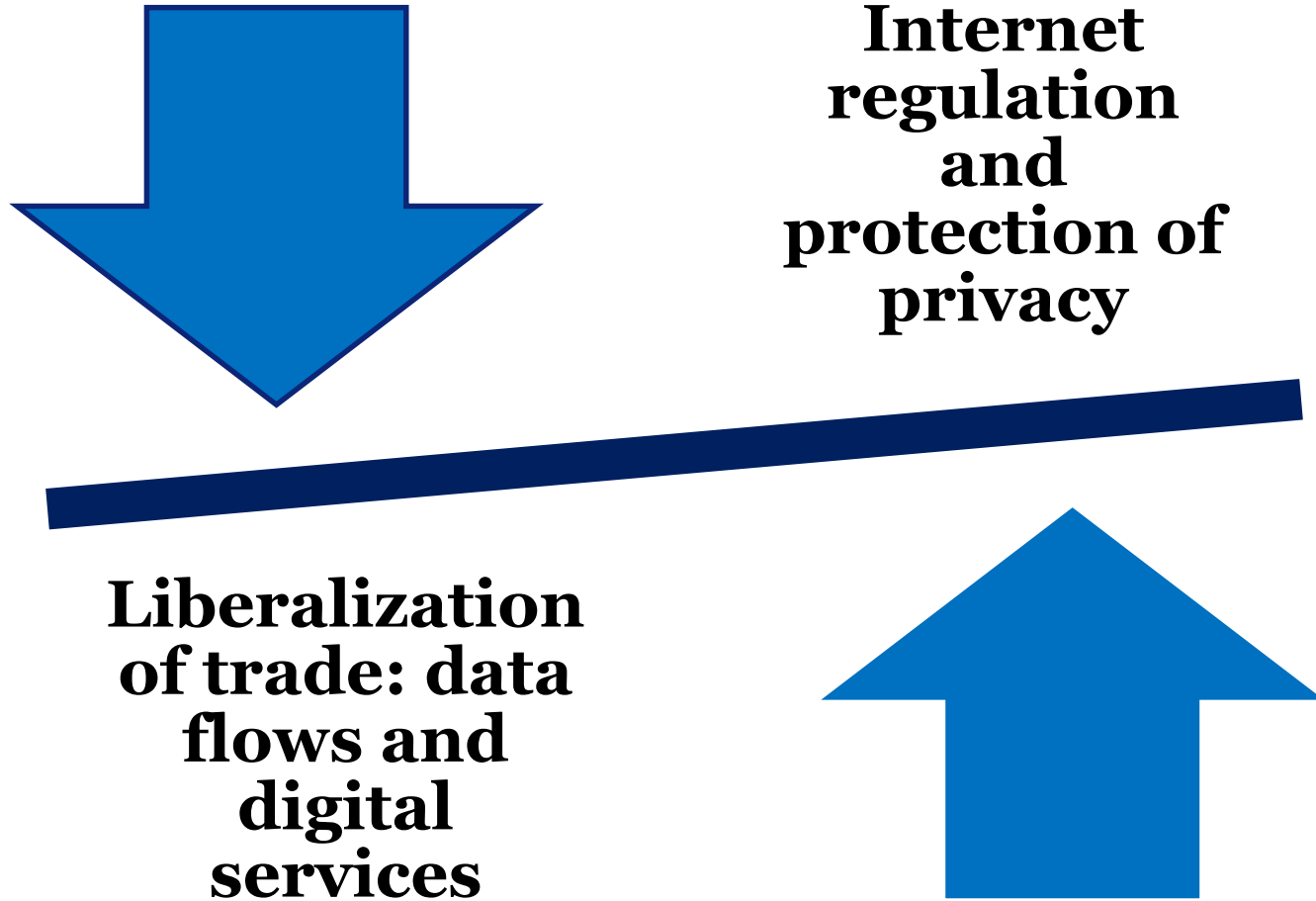
Taxation

- Increase exchange of data
- Proportional, legitimate and privacy

Privacy and data protection

- Protect personal and sensitive data and introduce safeguards

Balance



Data protection in the era of digital trade



Protection of personal data



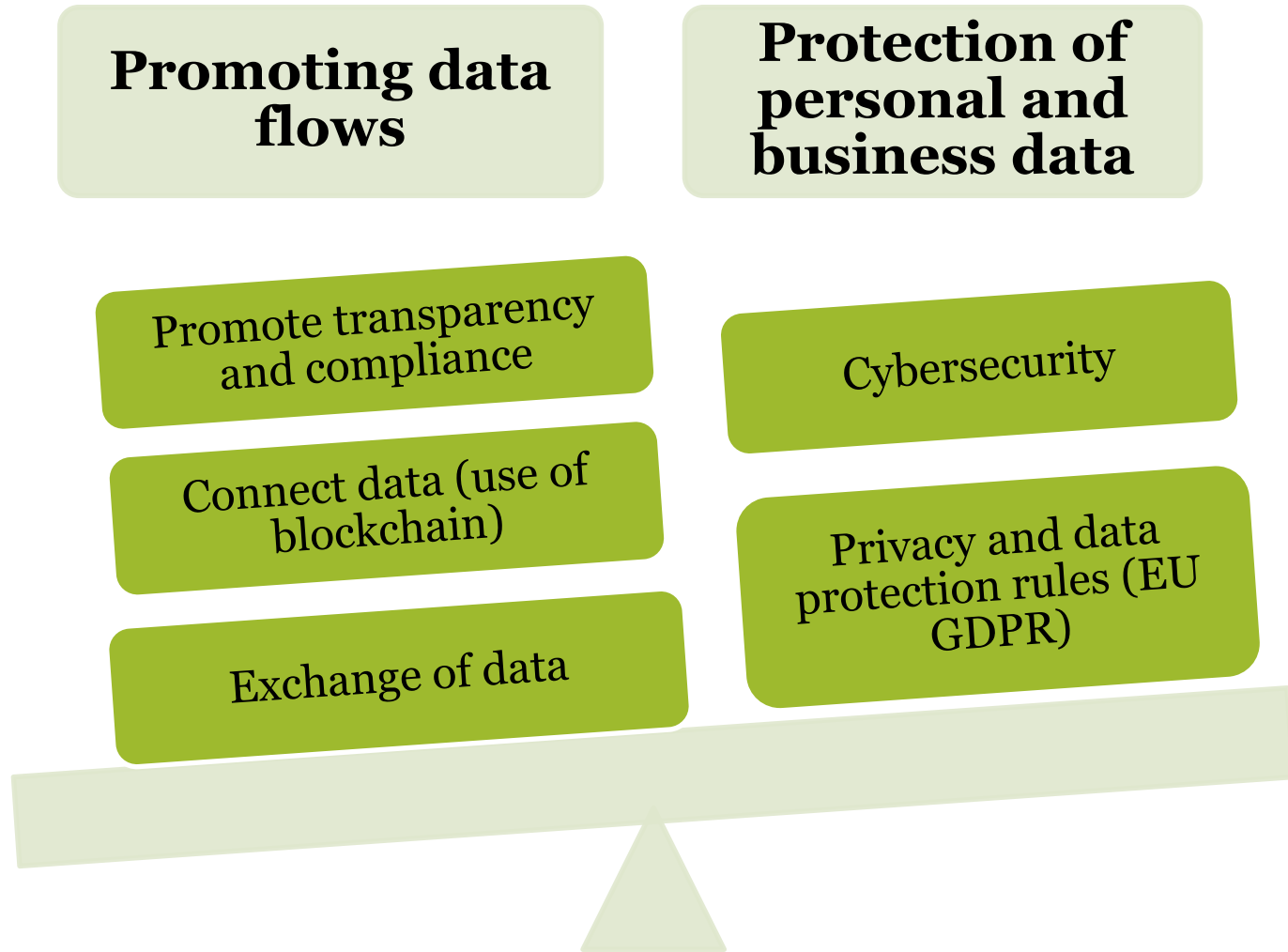
Profiling



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)

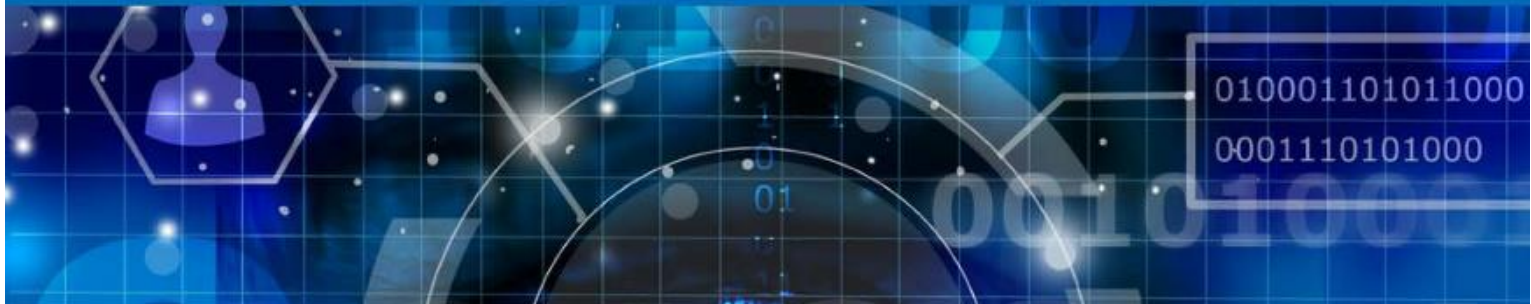
Binding Instrument

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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- **GLOBTAXGOV project receives funding from the EU H2020 Research & Innovation Programme and European Research Council**
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