



## Future EU Data Protection Law and Ireland

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Commissioner

## A Welcome Development

- Reflects the increased importance of data protection in the EU legal order
  - *(Article 16 of Treaty, Article 8 of Charter)*
- Retains and strengthens the core principles of data protection and individual data subject rights
- Clear and uniform obligations on organisations (data controllers)
- Strengthened legal platform for uniform application of the law and free movement of data

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## - For Individuals

- More Transparency
- Greater control over processing
- Data minimisation
- Strengthened right to data access
- Strengthened right to object
- Right to data portability
- Strengthened right to data deletion (“right to be forgotten”)
- Strengthened right to redress
  - *both through the DPA and the courts*

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## - For Organisations

- Clarity on applicable law & jurisdiction (“one-stop-shop”)
- Less bureaucracy
- Strengthened focus on Accountability for data processed
  - *Privacy by Design*
  - *Privacy Impact Assessments*
  - *Data Protection Officer*
  - *Data breach notification duties*

## - For Data Protection Authorities

- Strengthened Powers
  - *Administrative Fines*
  - *Obligation to be consulted on legislative measures*
- Harmonised EU enforcement of the Law
  - *"consistency mechanism"*

## Some Issues (1)

- Burden on Data Controllers
  - *Fewer Notifications BUT increased responsibility/accountability and Sanctions*
  - *Restrictions on use of Consent*
- International Transfers
  - *Should data controllers be given more discretion on the basis of Accountability?*

## Some Issues (2)

- Applicable Law/Jurisdiction
  - *One-Stop-Shop for Multinationals*
    - Politically acceptable?
    - Definition of "main establishment"
- Supervision
  - *Will "consistency mechanism" work?*
  - *Resources of DPAs*

## Some Issues (3)

- Law Enforcement Directive
  - *Harmonised Minimum Standards BUT*
  - *Relatively Weak – bring closer to Regulation?*

## Thank You

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