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Article 8 of the Charter of Fundamental Rights of the European Union on the protection of personal data

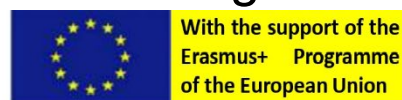
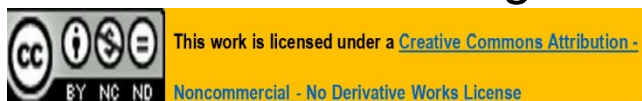
SLIDE 1

Hello, welcome. I am Maria Carro, and in this video I am going to talk to you about article eight of the Charter of Fundamental Rights of the European Union on the protection of personal data.

SLIDE 2

Article eight of the Charter states that:

1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data will be processed fairly, for specified purposes and on the basis of the consent of the data subject or on another legitimate basis provided for by law.
3. And, everyone has the right of access to data collected concerning him/her and the right to



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obtain its rectification.

4. Finally, it states that: Compliance with these rules shall be subject to control by an independent authority.

The content of this right is complemented and developed in the General Data Protection Regulation of the European Union (hereinafter, "the Regulation"); and, in Spain, through the Organic Law on Personal Data Protection and Guarantee of Digital Rights.

SLIDE 3

First, Article 8(1) of the Charter states that "everyone has the right to such protection". According to the case law of the Court of Justice of the European Union, the ownership of this right belongs to all natural persons, and to legal persons only to the extent that one or more natural persons are identified in the business name of the legal person.

The protected legal interest is personal data, which can be defined as any information about an identified or identifiable natural person.

A person is identifiable when his or her identity can be established, directly or indirectly, in particular by means of an identifier, such as a

name, an identification number, location data, an online identifier or one or more elements of the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

For example, we can think of our tax data, health data, and so on.

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Data processing refers to "any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automatic means", such as collection, storage, use, destruction and so on.

Such processing must necessarily be governed by a number of principles enshrined in the Regulation. Firstly, the processing must be lawful. Thus, in order to process data, any of the following options must be met: the data subject's consent, the need to perform a contract, a legal obligation, the protection of the vital interests of the data subject or another natural person, or the performance of a task carried out in the public interest, among others. The processing must be fair, so that the data subject is informed about the effects that the processing may have; and in a transparent manner.

Secondly, the processing must be limited to a pre-defined purpose.

Thirdly, processing must be limited to what is necessary to fulfil a legitimate purpose.

Fourthly, the controller must apply the principle of data accuracy in all processing operations.

Fifthly, the principle of limitation of the retention period obliges to delete or anonymise personal data as soon as they are no longer necessary for the purposes or objectives for which they were collected.

Sixth, it is essential to maintain appropriate security and confidentiality measures to prevent harm to the data subject.

SLIDE 5

With regard to the rights of individuals, Article 8 of the Charter already provides for the right of access to and rectification of data, rights which are extended in Chapter 3 of the Regulation.

Thus, individuals have the right to be informed about how their data will be processed. They also have the right to access and rectify inaccurate data.

Individuals can also request the deletion of their data through what is popularly known as the "right to be forgotten".

Individuals can also limit the processing of their data; and they can request data portability.

Finally, individuals have, on the one hand, the right to object to the processing of their data on grounds relating to their particular situation; and, on the other hand, the right not to be subject to automated individualised decisions, including profiling.

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The last paragraph of Article 8 of the Charter states that, first and foremost, compliance with these rules shall be subject to control by an independent authority.

It is precisely this last component, independence, that is key in European data protection law. To this end, national law must establish independent supervisory authorities such as the Spanish Data Protection Agency, for example.

Authorities must have adequate investigative, corrective and advisory powers to enable them to carry out their competences and functions,

which may include monitoring and protecting data at national level, advising data subjects and controllers, and supervising data processors. In addition, these authorities can issue warnings and/or fines to data controllers, can order rectification or erasure of data, and can also refer cases to the courts.

Within the European Union, the Regulation establishes a general framework for cooperation between supervisory authorities.

There is also a European Data Protection Board, which is an independent body that ensures the consistent application of data protection rules throughout the European Union.

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I hope you found this video on personal data protection interesting.

That is all I had to say to you. Thank you very much for your attention.