

Wrocław, December 22 2021

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**Abstract of doctoral dissertation**  
**“Consent for personal data processing”**  
**written under the supervision of prof. dr hab. Mariusz Jabłoński**  
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The following doctoral dissertation attempts to present a comprehensive account of consent as a legal basis for personal data processing in the EU data protection system. Due to the changes resulting from the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR) and the dynamic development of the information society, the main research thesis of the dissertation is to define the essence and role of consent for personal data processing in the current personal data protection framework. Two additional research thesis have been defined. The first one concerns the possibility of using consent to legitimize the processing carried out by public authorities. The second thesis relates to the legal character of the data subject's consent.

The dissertation has been divided into five chapters. The first chapter contains the general introduction to the discipline of personal data protection and the basic terms in this area. Both are necessary for further analysis. The author conducted an analysis of the historical development of the right to data protection in the national, regional, and EU legislations. Special attention has been paid to the relationship between the right to privacy and the right to personal data protection. The next part of the first chapter was devoted to the definition of personal data under the previous Polish law and the current EU regulation. In the light of the rapid technological development, the author focused on the new types of personal data, which were unknown a few years ago (e.g. IP address, MAC address). A review of the most important definition of personal data processing has been conducted in the last part of this chapter.

The main goal of the next chapter was to better understand the legal concept of consent for personal data processing under the existing law. The key element to achieve that was to



describe in detail all conditions for obtaining valid consent. Those conditions determine the possibility of using the consent in practice. The next subchapter is devoted to the analysis of the material scope of the consent. The author covers all mandatory elements of the consent, incl. consent addressee, the scope of personal data, and the purpose of the data processing. Those considerations are particularly relevant in the context of the obligations arising from the requirement for specific consent. In the next parts, the author carries out analysis on the legal character of the consent for personal data processing and the possibility of using consent by public authorities. In order to provide a full overview of data controller's obligations in relation to consent, the author touches on issues related to the correct wording of consent and the possibility of "pay-for-privacy" arrangements (e.g. offering discounts in exchange for consent).

The third chapter is devoted to the procedure of giving consent. By examining the applicable provisions and their use in practice, the most important elements of this procedure (e.g. form of the consent) have been indicated. In addition, the author described the process of withdrawing the consent by the data subject. Since incorrect obtaining of consent or obtaining of invalid consent can lead to data protection breach, in the last subchapter the author describes the most important decisions taken by data protection authorities.

The fourth chapter attempts to present the relationship between consent and other legal bases for the processing of personal data. In order to achieve it the author is analyzing all lawful bases from art. 6 GDPR. In particular, an emphasis has been placed on those situations where data controllers may have issues with identifying the appropriate legal basis. Additionally, two processes that eliminate the need for identifying a legal base have been discussed – anonymization and encryption.

Due to the increasing number of legal actions which concern processing of various personal data types, the lines between those actions become blurred. Data subjects are facing a lot of issues when trying to distinguish between consents required by GDPR and other regulations. Therefore, the last chapter is devoted to special types of consents for personal data processing and other legal concepts that should not be seen as a consent for personal data processing.

The results of the research as well as de lege ferenda conclusions were presented in the summary of the dissertation. During the preparation of the doctoral dissertation, legal-dogmatic and empirical methods were used. Despite the lack of a separate comparative chapter, legal comparative method has been used in the majority of chapters.

The dissertation takes into account the normative status as of December 1<sup>st</sup>, 2021.

