



# **E-BUSINESS**

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**HAVE YOUR  
PERSONAL DATA  
RIGHTS EVER BEEN  
VIOLATED?**

# GENERAL DATA PROTECTION REGULATION (GDPR)



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 (General Data Protection Regulation)

*Article 99 [Entry into force and application]*

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from **25 May 2018**.



# KEY DEFINITIONS



'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;



'processing' means any operation or set of operations which is performed on personal data or on sets of personal data,



# WHO DOES THE GDPR APPLY TO?



The GDPR applies to 'controllers' and 'processors'.



A controller determines the purposes and means of processing personal data.

A processor is responsible for processing personal data on behalf of a controller.



# GDPR PRINCIPLES

The GDPR sets out **seven key principles**:

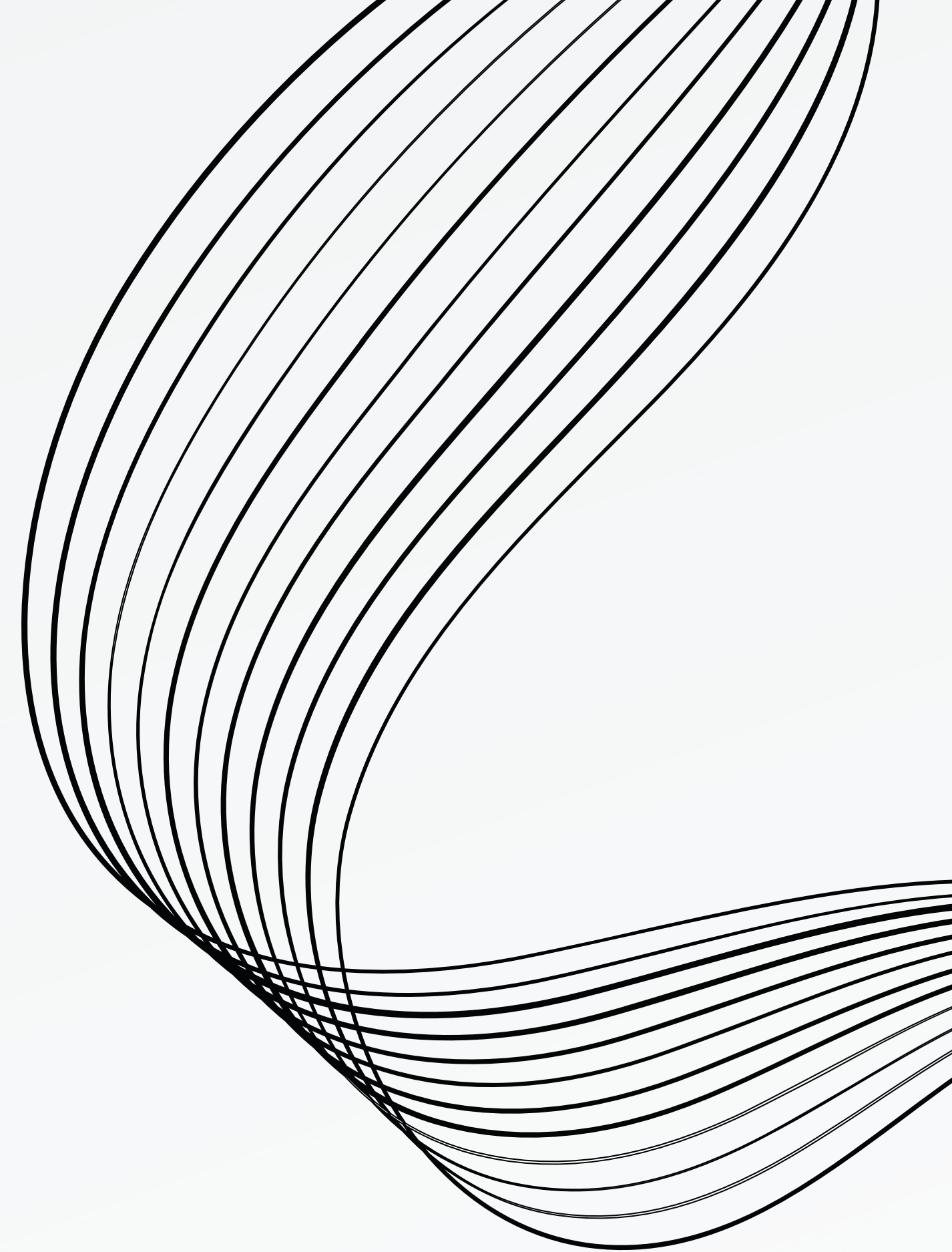
- 01** Lawfulness, fairness and transparency
- 02** Purpose limitation
- 03** Data minimisation
- 04** Accuracy
- 05** Storage limitation
- 06** Integrity and confidentiality (security)
- 07** Accountability

# LAWFUL BASIS FOR PROCESSING

You must have a valid lawful basis in order to process personal data. There are **six available lawful bases** for processing. No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on your purpose and relationship with the individual.

Most lawful bases require that processing is 'necessary'. If you can reasonably achieve the same purpose without the processing, you won't have a lawful basis.

You must determine your lawful basis before you begin processing, and you should document it.



# CONSENT

Consent must be **freely given, specific, informed and unambiguous**. In order to obtain freely given consent, it must be given on a voluntary basis. The element "free" implies a real choice by the data subject. Any element of inappropriate pressure or influence which could affect the outcome of that choice renders the consent invalid.





# SPECIAL CATEGORY DATA

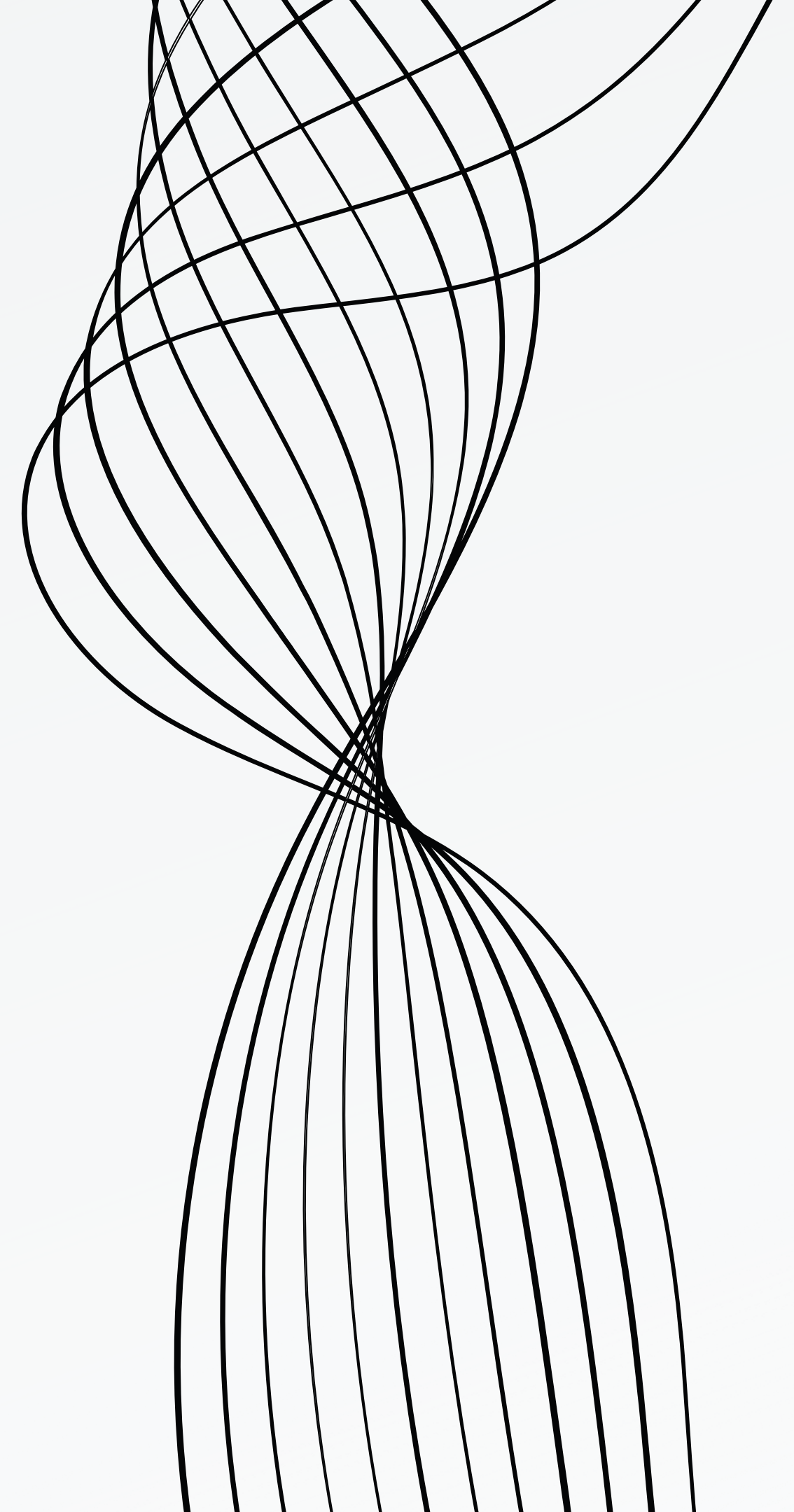
Special category data is personal data which the GDPR says is more sensitive, and so needs more protection.

In order to lawfully process special category data, you must identify both a lawful basis under Article 6 and a separate condition for processing special category data under Article 9. These do not have to be linked.



# RIGHTS FOR INDIVIDUALS

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling.





**AUTOMATED DECISION  
MAKING  
INCLUDING PROFILING**

# THANK YOU

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