

## **Speech Supreme Court**

### ***Data protection and Privacy Rights***

Honorable Judges and Esteemed speakers and guests,

Thank you for the honor to address this forum.

In the General Data Protection Regulation's Preamble, in short the GDPR, it is explained that the right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality. To strike the right balance, one should examine how the rights to privacy and personal data protection interweave with other fundamental freedoms and rights. And to do that, one has to understand how privacy and data protection has been developed in democratic societies with respect to the rule of law.

The right to privacy and to self-determination of one's own data was met in several pre-World War II European Constitutions, in one form or another. These rights however, were implemented differently, subject to national legal and cultural differences. After World War II, the first international legal instrument which aimed at bridging national privacy differences was the Council of Europe's Convention 108 of 1981, for the Protection of Individuals with regard to the Automatic Processing of Personal Data. At a time where social media and the internet of things did not exist, this Convention was almost prophetic.

Directive 95/46/EC, which preceded the GDPR, aimed at amplifying the privacy principles laid down in Convention 108. In the spirit of the internal market, which was dominant in mid 90s, the Directive had a dual purpose; the protection of individuals and the free movement of personal data within the Union. It scoped to foster closer relations among the States, ensure economic and social progress, eliminate dividing barriers, encourage the improvement of living conditions, preserve and strengthen peace and liberty and promote democracy on the basis of rights recognized in constitutions, national laws and Convention 108.

The GDPR, has also been acknowledged as a legal tool of significant economic value. It provides legal certainty to economic operators, including

micro, small and medium-sized enterprises, harmonizes differences among Member States that could constitute an obstacle to economic activities or distort competition and it crates trust, needed to allow the growth of digital economy. Also, the need for compliance with the GDPR has generated a new professional field and a growing demand for privacy and personal data protection experts, which subsequently created new jobs and career opportunities.

Understanding the economic value of the GDPR is of paramount importance to supervisory authorities and to Courts, when called to balance the rights and interests of companies against the rights and freedoms of individuals. Through the years, the European Court of Human Rights and the Court of Justice of the European Union, but also national Courts, have delivered milestone decisions.

Rapid technological developments and globalization have brought new challenges for the protection of personal data. We are currently experiencing an unprecedented scale of collection and flow of information. Inevitably supervisory authorities, courts and privacy professionals will have to tackle these challenges. Initiatives like the present forum, inarguably contribute to this objective.

I would like to thank once again Mr. Erotocritou for giving me the opportunity to address this meeting.

Thank you all.

Irene Loizidou Nicolaidou  
Commissioner for Personal Data Protection

21/10/2019