



The GDPR – A modern data protection framework

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Why a new EU framework for data protection?

- **Existing data protection law** (Data Protection Directive from 1995), **but...**
- **Technological developments and globalisation:** Addressing the challenges and seizing the opportunities of the digital economy
- **Fragmentation of legislative framework** (different transposition of the current Directive into national laws)

Main objectives and major changes

- **Rules fit for the digital single market** (a harmonised and simplified framework)
- **Putting individuals in control of their data** (an updated set of rights and obligations)
- **A modern data protection governance**

a. A harmonised and simplified framework

- **One single set of data protection rules for the EU** (Regulation)
- **One interlocutor and one interpretation** (one-stop-shop and consistency mechanism)
- **Creating a level playing field** (territorial scope)
- **Cutting red tape** (abolishment of most prior notification and authorisation requirements), including as regards international transfers

b. An updated set of rights and obligations

- **Evolution rather than revolution:** basic architecture and core principles/obligations/rights are maintained
- **Putting individuals in better control of their data...** (e.g. consent by clear affirmative action, better information)
- **...including through the introduction of new rights** (e.g. portability) and **obligations** (e.g. data breach notification)
- Obligations graduated in function of the nature and potential risks (**risk-based approach**: e.g. DPO, data breach notification)
- Stronger rights, clearer obligations: **more trust**

c. A modern governance system

- **Better equipped supervisory authorities and better cooperation amongst them** (e.g. joint investigations)
- **New decision-making process for cross-border cases** (one-stop-shop and consistency mechanism)
- Creation of the **European Data Protection Board** (guidance and dispute settlement)
- **Credible and proportionate sanctions** (max. 2/4% of global turnover in light of nature, duration, gravity etc. of the violation)



Main Elements of the GDPR

- Set of **core principles**: e.g. purpose limitation
- **Obligations**: e.g. transparency, data security
- **Individual rights**: e.g. access, rectification
- **Accountability** tools: DPO, DPIA
- Rules on **sub-processing** (outsourcing)
- Rules on **international data transfers**



Not an isolated EU approach...

- **Convergence towards modern data protection regime** (comprehensive law, core principles, enforceable rights and independent oversight)
- **Multilateral treaty: Convention 108** (more than 50 State Parties; development of standards); US as observer
- **Regional models**, e.g. EU GDPR, Ibero-American Data Protection Standards, AU Convention on Cybersecurity and Personal Data Protection
- Numerous developments at **national level** (and partly at territorial/provincial level, e.g. US States)



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Two Years of Implementing GDPR

- **Individuals are making use of their rights:** increased number complaints, queries, etc.
- **EDPB guidance on all novel aspects,** following broad public consultations
- **Companies are putting their data house in order:** taking a closer look at what data they are collecting, what they use it for, how they keep and share it etc.
- **Consistency mechanism** and the **role of the DPAs**

A European Strategy for Data

- Legislative framework for the governance of **common European data spaces**
- Incentives for **horizontal data sharing** across sectors; “data altruism”
- **Data pools** for data analysis and machine learning **in strategic sectors** (example: **Common European mobility data space**)

Thank you very much for your attention!

○ ***Questions, comments?***