

Hot topics in data protection practice

**XIX Case Handling Workshop
Prague, 12 – 13 March 2009**

Are there any?

- What is really „hot“ in personal data protection?
- hot topic = hot issue (?)
- What makes a personal data protection topic/issue „hot“ ?
- DPAs' hot topic (*is it really a hot topic for us?*)
- Media's hot topic (*cui bono?*)
- General public's hot topic (*campaign-driven*)
- Hidden and/or underestimated hot topics (are we able to cope with them?)

About hot topics

- *Criteria of definition:*
- Incidence from the outside world (not data protection community)
- market potential (e.g. powerful and urgent-tone stakeholders)
- *Main data protection features*
- Difficulties in data protection law application exist, and
- Data protection law applies partially in specific cases

CzDPA's recent hot topics

- *Subject matter*
- vide-surveillance
- DNA for commercial use
- RFID
- Spamming
- Biometrics
 - Identificaton
 - Undisguised surveillance
- *Legal problem(s)*
- Disregards for some fundamental rights, incl. right to the protection of personal data
 - missing information
 - misinformation
 - missing/insufficient safeguards
 - (naked contradiction?)

Other DPAs' hot topics

(based on published information)

- *Subject matter*
- Personal data „leaks“ and/or „losses“
- Staff surveillance (any form)
- Net contents and transactional data
- *Legal problem(s)*
- Disregards for some fundamental rights, incl. right to the protection of personal data
 - missing information
 - misinformation
 - missing/insufficient safeguards
 - (naked contradiction?)

Other complaints handling related issues

- *Subject matter*
- Indirect right of access appeals
- Security measures
- Data subject's consent (Art.7 Dir 95/46/EC)
- Information (Art. 8(a) Convention 108)
- *issues*
- DPA's capacity
- Staff competences (Legal + IT)
- Need for operational standards (e.g. data quality testing, risk analysis)

Issues identified by the CHW

**Good luck avoiding
a data protection trap**

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