



## PRIVACY AND DATA PROTECTION: RECENT ECtHR & CJEU CASE LAW

Trier, 9-10 December 2019

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Data Protection  
Law**



### Speakers

**Uta Biskup**, Lawyer Linguist, Court of Justice of the European Union, Luxembourg\*

**Anna Buchta**, Head of Unit "Policy & Consultation", European Data Protection Supervisor, Brussels

**Gloria Gonzalez Fuster**, Research Professor, Vrije Universiteit Brussel (VUB), Brussels

**Herwig Hofmann**, Professor of European and Transnational Public Law, University of Luxembourg

**Zoe Kardashiadou**, Policy Officer, Data Protection Unit, DG JUST, European Commission, Brussels

**Pamela McCormick**, Registry Lawyer, European Court of Human Rights, Strasbourg

**Wolfgang Rosch**, Head of Unit, Research and Documentation Directorate, Court of Justice of the European Union, Luxembourg\*

**Christoph Sobotta**, Legal Secretary, Chambers of AG Kokott, Court of Justice of the European Union, Luxembourg

**Raluca Stancescu-Cojocaru**, Registry Lawyer, European Court of Human Rights, Strasbourg

**Xavier Tracol**, Senior Legal Officer, Eurojust, The Hague

\* To be confirmed

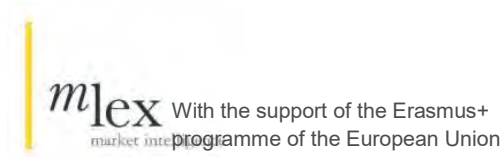
### Key topics

- The concept of personal data
- Balancing personal data protection with the right to information
- Criminal record databases and the right to data protection
- Surveillance methods: the employer's right to access their employees' private communications
- Consistency of the European Commission's standard contractual clause decisions with data protection standards
- The right to be forgotten: delisting of sensitive personal data
- Confidentiality of electronic communications, obligations relating to the retention of traffic and location data

Language  
English

Event number  
419D83

Organiser  
Dr Magdalena Kędzior (ERA)



# Privacy and Data Protection: Recent ECtHR & CJEU Case Law

**Monday, 9 December 2019**

08:30 Arrival and registration of participants

09:00 **Opening of the seminar**  
*Magdalena Kędzior*

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## I. SETTING THE SCENE

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09:15 **Privacy and data protection law in Europe**

- The European Convention on Human Rights (Art. 8) and the Charter of Fundamental Rights of the EU (Art. 7, Art. 8)
- Current assessment of adopted measures (Convention 108+, GDPR)
- New legal problems in administrative and judicial practice
- The interplay between ECtHR, CJEU and national courts

*Gloria Gonzalez Fuster*

10:00 Discussion

10:15 Coffee break

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## II. PRIVACY AND DATA PROTECTION: KEY CONCEPTS AND THEIR LIMITS

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10:45 **The distinction between privacy and data protection in the jurisprudence of the ECtHR and CJEU**

- The scope of privacy (CJEU joined cases C-92/09 and C-93/09), ECtHR case *MM v UK* App no 24029/07
- Interference with privacy and justification
- Data protection in the relevant jurisprudence: the scope of data protection
- Authorised processing and limitations on data protection

*Christoph Sobotta*

11:30 Discussion

11:45 **Main notions related to data protection in the relevant jurisprudence**

- The concept of anonymised and pseudonymised personal data (CJEU case C-434/16)
- The notions of controller and (joint-)controllership (CJEU cases C-210/16, C-40/17, C-25/17)
- Definitions and requirements for valid consent (CJEU cases C-536/15, C-673/17 (cookie consent), ECtHR case 61243/08)

*Wolfgang Rosch, Uta Biskup*

12:30 Discussion

12:45 Lunch

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## III. DATA SUBJECTS' RIGHTS IN THE DIGITAL AGE

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14:00 **The rights to information, access and rectification**

- ECtHR case 33783/09
- CJEU case C-553/07, joined cases C-141/12, 373/12, C-434/16 (access and rectification), C-345/17, C-473/12, C-40/17

*Zoe Kardashiadou*

14:35 Discussion

14:50 **The right to erasure ("the right to be forgotten")**

- CJEU case C-398/15 (balancing the right to data protection with the general public's interest in holding information publicly available)
- CJEU cases C-131/12, C-507/17 (balancing the right to data protection with the right to access information and freedom of expression)
- The territorial scope of the right to be forgotten, CJEU case C-136/17
- ECtHR cases App no. 33846/07 (balancing personal data protection with the interest of the public in access to public internet archives) and App no. 43514/15 (erasure in case of unlawful processing)

*Zoe Kardashiadou*

## Objective

The seminar will provide legal practitioners with an update on the case law developed by the European Court of Human Rights (ECtHR) and by the Court of Justice of the European Union (CJEU) with relevance for privacy and data protection law. It will focus primarily on developments since 2017.

## Who should attend?

Lawyers in private practice, judges, European and national civil servants and other legal practitioners dealing with privacy and data protection law

## You will learn...

- about the distinction between the right to privacy and data protection in the jurisprudence of the ECtHR and CJEU
- how the recent case law is relevant for international data transfers
- how the recent jurisprudence defines key notions in the field of data protection
- how the respective courts interpret the right to be forgotten
- what the legal requirements are for the retention of personal data

## CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to 10 CPD hours.

## Your contact persons



Dr Magdalena Kędzior  
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Susanne Babion  
Assistant  
E-Mail: [sbabion@era.int](mailto:sbabion@era.int)

- 15:30 Discussion  
15:45 Coffee break

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#### IV. THE PERSPECTIVE OF STATE AUTHORITIES AND PRIVATE COMPANIES – PRIVACY VERSUS SECURITY

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- 16:15 **Mass collection and retention of communications data**
- Essential requirements and admissibility criteria (ECtHR cases 47143/06 *Big Brother Watch and Others v. The United Kingdom*, App no. 58170/13; 62322/14, 24960/15, App no. 35252/08)
  - Authorised access to data
  - Effective remedies and data security supervision  
*Pamela McCormick*
- 17:00 Discussion
- 17:15 **Confidentiality of electronic communications**
- CJEU cases C-203/15 and C-698/15 and C-623/17
  - Transmission to the security services of connection data of users of an electronic communication network: C-511/18, C-512/18 and C-520/18  
*Anna Buchta*
- 17:45 Discussion
- 18:00 End of first seminar day
- 19:30 Dinner

### Tuesday, 10 December 2019

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#### V. THE PERSPECTIVE OF STATE AUTHORITIES AND PRIVATE COMPANIES – PRIVACY VERSUS SECURITY (cont.)

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- 09:00 **The right to access information and the right to data protection in the criminal law context (ECtHR)**
- *Aycaguer v. France*. App no. 8806/12
  - *Figuerido Teixeira v. Andorra*. App no. 72384/14
  - *Terazzoni v. France*. App no. 33242/12
  - *Szabo and Vissy v. Hungary*. App no. 37138/14  
*Xavier Tracol*
- 09:45 Discussion

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#### VI. PERSONAL DATA PROTECTION AND PRIVACY IN THE WORKPLACE (ECtHR)

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- 10:00 **The right to access employees' private communications and surveillance at workplace: guaranteeing a fair balance of interests at stake**
- *Barbulescu v. Romania*. App no. 61496/08
  - *Libert v. France*. App no. 588/13
  - *Lopez Ribalda and Others v. Spain*. App no. 1874/13 and 8567/13  
*Raluca Stancescu-Cojocar*
- 10:45 Discussion
- 11:00 Coffee break

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#### VII. INTERNATIONAL DATA TRANSFERS (CJEU)

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- 11:30 **The present and the future of international data transfers**
- *La Quadrature du Net v. European Commission* (case T-738/16), compliance of Privacy Shield with the Charter of Fundamental Rights, adequacy of protection
  - *Data Protection Commissioner v. Facebook Ireland Ltd & Schrems* (Case C-311/18)  
*Herwig Hofmann*
- 12:15 Discussion
- 12:30 End of seminar

### Visit Trier's Christmas market

Trier's Christmas market, one of the most attractive in Germany, opens from late November to just before Christmas. 100 wooden booths link together on the medieval main market square and in front of the imposing cathedral offering delicious white or red mulled wine, beautiful craft items and freshly made regional specialities.

More on: [www.trierer-weihnachtsmarkt.de](http://www.trierer-weihnachtsmarkt.de)



### Save the date

**Data Protection in the EU Institutions**  
Brussels, 6-7 February 2020

**Annual Conference on European Data Protection Law 2020**  
Brussels, 26-27 March 2020

**Summer Course on European Data Protection Law**  
Trier, 7-11 September 2020

### e-Presentations on Data Protection

**Personal Data Protection and Artificial Intelligence – Challenges and Remedies**  
Alessandro Mantelero

**Data Protection Impact Assessment**  
Georgia Skouma

[www.era.int/elearning](http://www.era.int/elearning)

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For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment.

# Registration

## Privacy and Data Protection: Recent ECtHR & CJEU Case Law

Trier, 9-10 December 2019 / Event Number: 419D83



### Registration

Fax: +49 (0) 651 93737-773

E-mail: [info@era.int](mailto:info@era.int)

Online registration:  
[www.era.int/?128566&en](http://www.era.int/?128566&en)

Postal address:  
ERA  
Postfach 1640  
D-54206 Trier

### Location

ERA Conference Centre  
Metzer Allee 4  
54295 Trier

### Language

English

### Contact Person

Susanne Babion  
Assistent  
[sbabion@era.int](mailto:sbabion@era.int)  
+49 651 93737-422

### Accommodation at special rates



Vienna House Easy Trier,  
from € 99  
[www.viennahouse.com](http://www.viennahouse.com)  
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Villa Hügel Trier,  
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+49 (0)651-93710-0



Park Plaza Trier,  
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+49 (0)651-9993-0

Contact the hotel directly to make your reservation (see para. 16 [www.era.int/legalnotice](http://www.era.int/legalnotice)).

Please indicate the event you will attend.

### I would like to register for the ERA event mentioned above.

Please update my address (see below)  My address (above) is correct  Please delete my address

### PLEASE USE BLOCK CAPITALS:

Title	<input type="checkbox"/> Ms	<input type="checkbox"/> Mr	Other	<input type="text"/>
First Name	<input type="text"/>			
Surname	<input type="text"/>			
Organisation	<input type="text"/>			
Position	<input type="text"/>	Tel.	<input type="text"/>	
Department	<input type="text"/>			
E-Mail	<input type="text"/>			
Street	<input type="text"/>			
Postcode/City	<input type="text"/>	Country	<input type="text"/>	

**Evening programme:** I shall attend the function on 9 December 2019 (at no extra charge).

### Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration by 09/11/2019	€ 531,00 <input type="checkbox"/>	€ 318,60 <input type="checkbox"/>	€ 398,25 <input type="checkbox"/>
Registration after 09/11/2019	€ 590,00 <input type="checkbox"/>	€ 354,00 <input type="checkbox"/>	€ 442,50 <input type="checkbox"/>

### \* EU and ERA Patrons

- Staff of European Union institutions and agencies;
- Staff of ERA's patrons: all EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom), the German states, Scotland and the City of Trier
- Fellows of the European Law Institute

### \*\* Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation

### Method of payment

- Credit card For registration with credit card payment please go to our website [www.era.int/?128566&en](http://www.era.int/?128566&en).
- Cheque Cheque number
- Bank transfer

I will transfer the registration fee to ERA's account at Deutsche Bundesbank Saarbrücken:  
IBAN: DE145900 00 00 00 58501900 – BIC: MARKDEF1590

**Important! Please state your name and the event number on the bank transfer.**

I confirm my registration and accept the general terms and conditions: [www.era.int/legalnotice](http://www.era.int/legalnotice)

Place, Date

Signature