

## New EU Data Protection Regulation

### And what it means for NMCAs?

Amalia Velasco  
Spanish Directorate General for Cadastre  
May 2016

## HISTORY

Data protection required since the use of computers (integrated data management)



- 1980 -Recommendations of the Council Concerning Guidelines Governing the Protection of Privacy and Trans-Border Flows of Personal Data
- **1995 - Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data**
- 2001 - Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data
- 2002 - Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)
- 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters

## New General data protection regulation

- Replaces the directive of 1995 and will require changing in the national laws.
- It looks for more harmonization across Europe, unification of European laws which will end with the plurality of laws and national criteria in the transposition of the directive of 1995.
- In January 2012, the European Commission proposed a comprehensive [reform of data protection rules in the EU](#).
- On 4 May 2016, the official texts of the Regulation and the Directive have been published in the EU Official Journal in all the official languages.
- While the [Regulation\(982 kB\)](#) will enter into force on 24 May 2016, it shall apply from **25 May 2018**.
- The [Directive\(695 kB\)](#) enters into force on 5 May 2016 and EU Member States have to transpose it into their national law by **6 May 2018**.





## DEFINITIONS

**Data:** information (in an electronic form that can be processed by a computer).

**Personal data:** any information relating to an identified or identifiable natural person.

**Processing of personal data:** any operation or set of operations performed upon personal data (collection, recording, consultation, ...).

**Data controller:** the person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data (e.g. the Cadastre itself, the ministry, ... ).

**Data subject:** the person whose personal data are being processed (e.g. the proprietor, the mortgagor and mortgagee, ... entered in the cadastre or in land registry).

The objectives of this new set of rules are

- to give citizens back control over of their personal data,
- and to simplify the regulatory environment for business



Whenever you open a bank account, join a social networking website or book a flight online, you hand over vital personal information such as your name, address, and credit card number.

What happens to this data? Could it fall into the wrong hands? What rights do you have regarding your personal information?

**Everyone has the right to the protection of personal data.**

# what's new?

- easier access to your own data: individuals will have more information on how their data is processed and this information should be available in a clear and understandable way;
- a right to data portability: it will be easier to transfer your personal data between service providers;
- a clarified "right to be forgotten": when you no longer want your data to be processed, and provided that there are no legitimate grounds for retaining it, the data will be deleted;
- the right to know when your data has been hacked: For example, companies and organizations must notify the national supervisory authority of serious data breaches as soon as possible so that users can take appropriate measures.
- Better cooperation between law enforcement authorities

Every day within the EU, businesses, public authorities and individuals transfer vast amounts of personal data across borders. Conflicting data protection rules in different countries would disrupt international exchanges. Individuals might also be unwilling to transfer personal data abroad if they were uncertain about the level of protection in other countries.



## what's new?

Therefore, common EU rules have been established to ensure that your personal data enjoys a high standard of protection everywhere in the EU. You have the right to complain and obtain redress if your data is misused anywhere within the EU.

The EU's [Data Protection Directive](#) also foresees specific rules for the transfer of personal data outside the EU to ensure the best possible protection of your data when it is exported abroad.



- New rules reinforce the existing rights of individuals providing greater control over our personal information,
- will allow a more effective judicial and police - cooperation respecting individual rights between authorities of States members while giving people greater control over their personal data.
- It affects mainly companies.



### What can affect Cadastral and Mapping data:

- Easier access to own data: the person will have more information about the way in which his data are treated and this information should be available in a clear and understandable form;
- There will be an obligation to notify the person data security violations.
- Any new activity will require privacy impact studies;
- Organizations will have the obligation to demonstrate compliance with privacy standards;
- There will be a single supervisory authority.

# Open Questions

Is there any "conflict" between C+LR and data protection? Public/protected

Does "right to be forgotten" applies?

should the owner be informed if someone accessed its data?