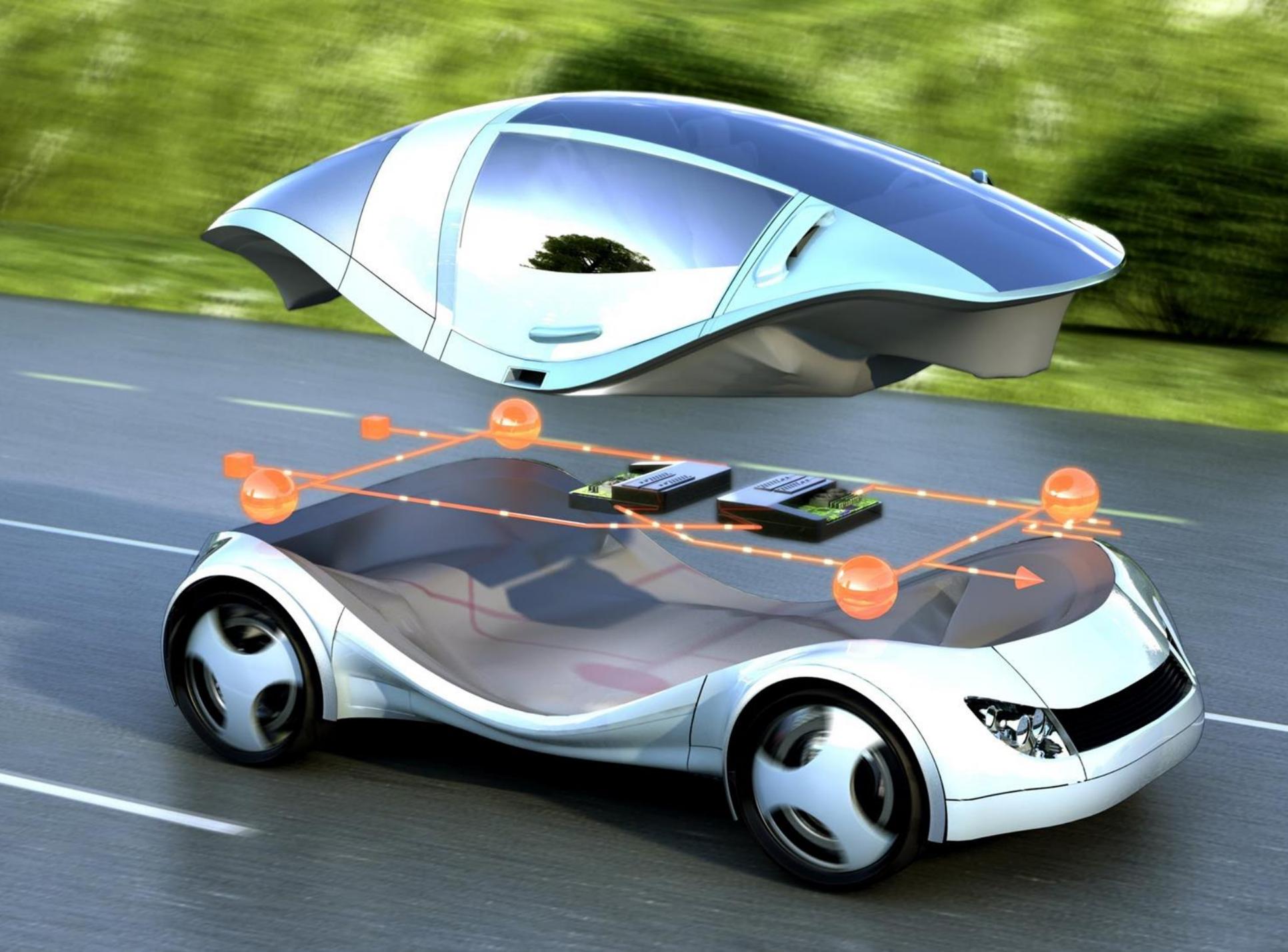


DATA SUBJECT RIGHTS IN THE DATA-DRIVEN ECONOMY

Helena Ursic

eLaw, Centre for Law and Digital
Technologies
Leiden University





Agenda

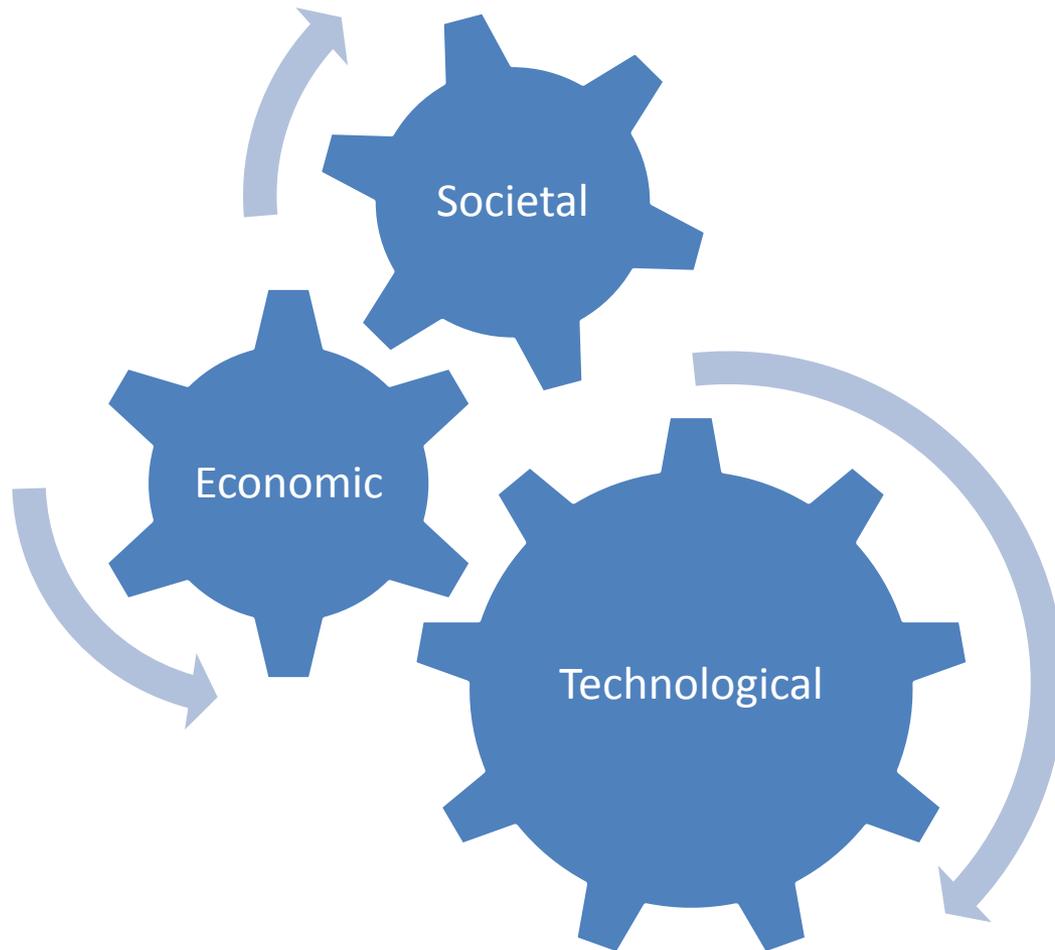
Setting the stage

- I. The three perspectives of the data-driven economy
 - II. The GDPR at a glance
 - III. The contradicting nature of the GDPR
 - IV. Data subject rights under the GDPR regime
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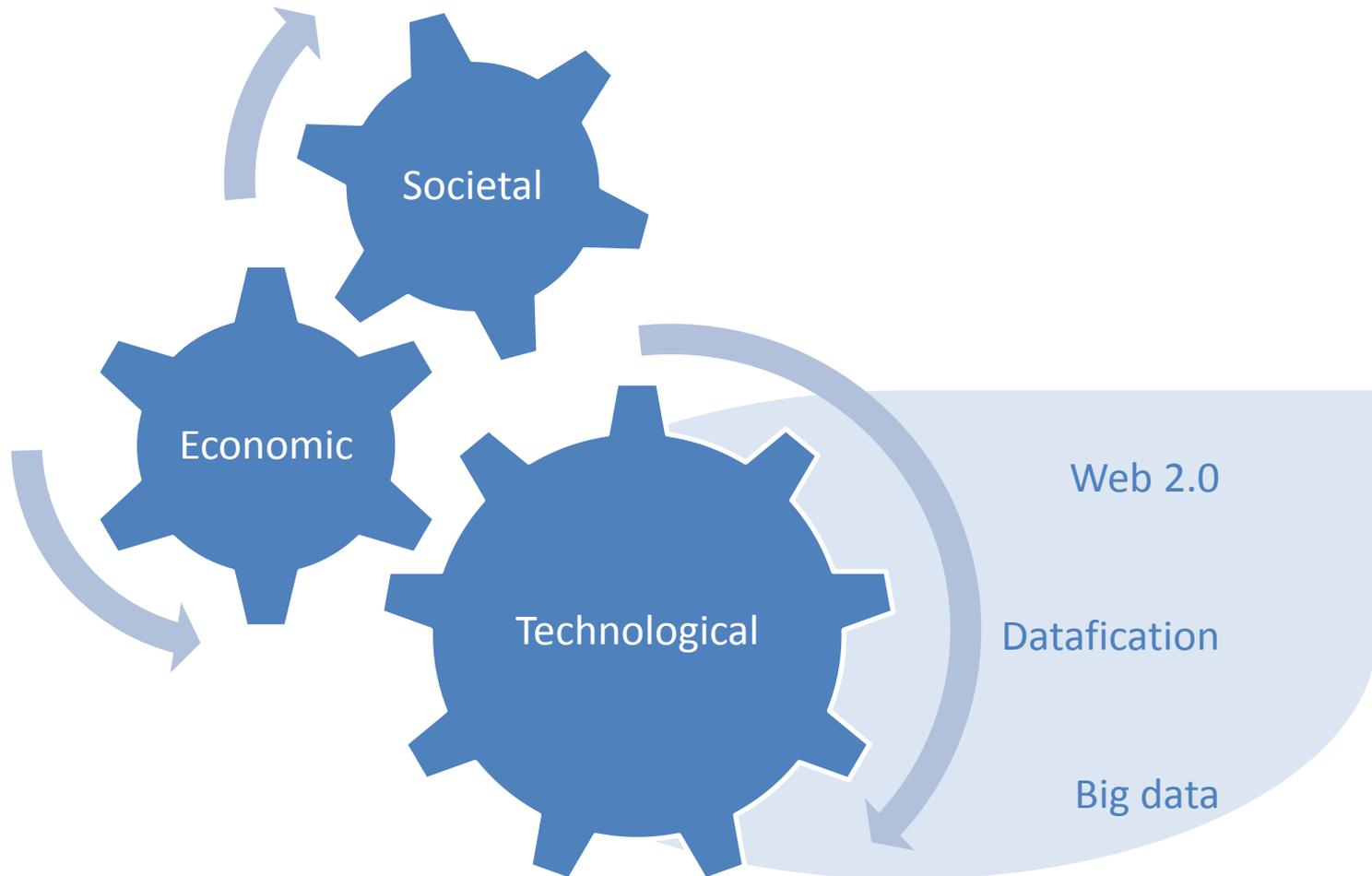
Discussion

- Q1 Data subject rights' effectiveness in the big data age
- Q2 The GDPR limits in the big data age
- Q3 Looking for solutions

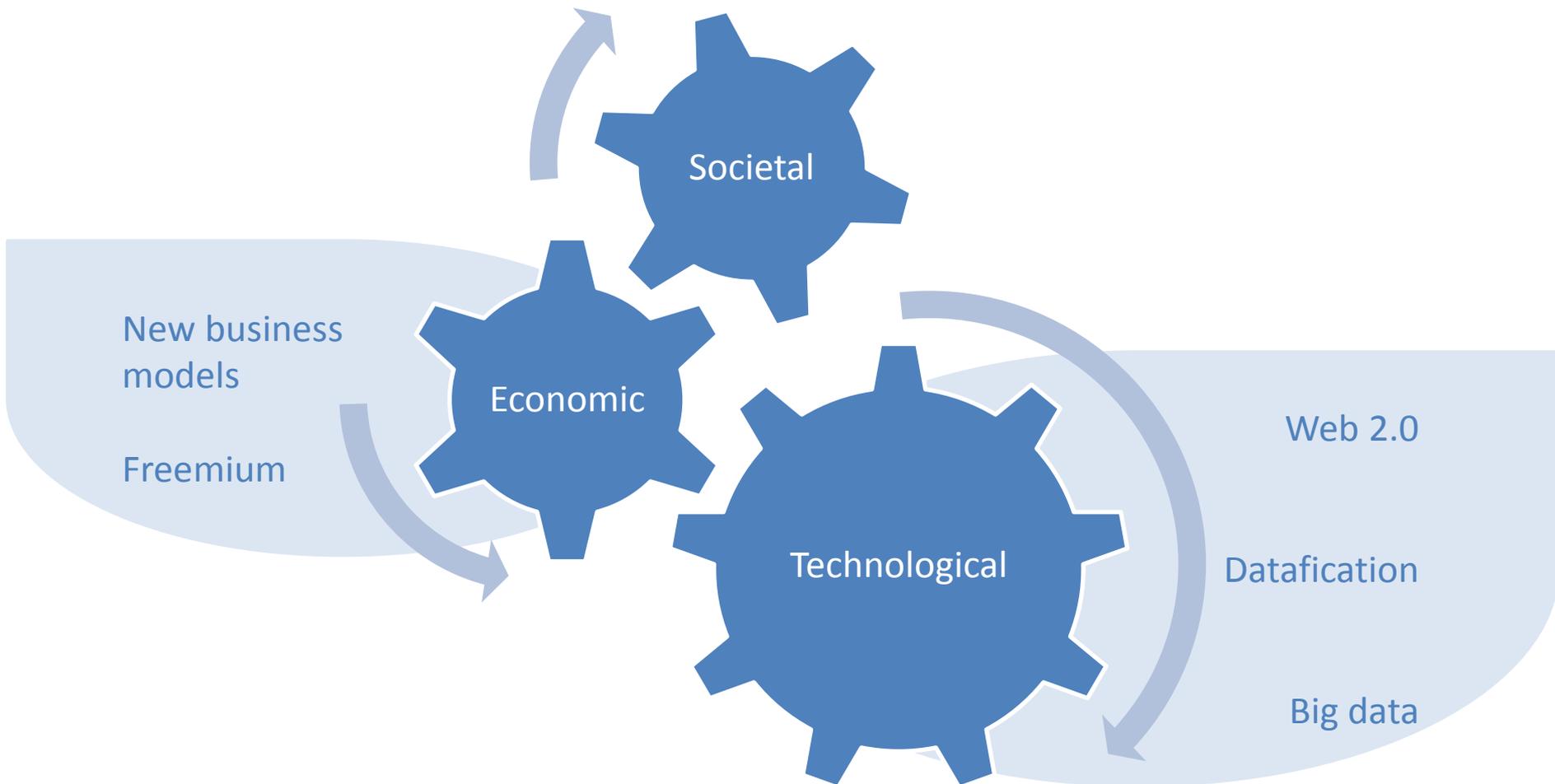
I. Three perspectives of the growing data-driven economy



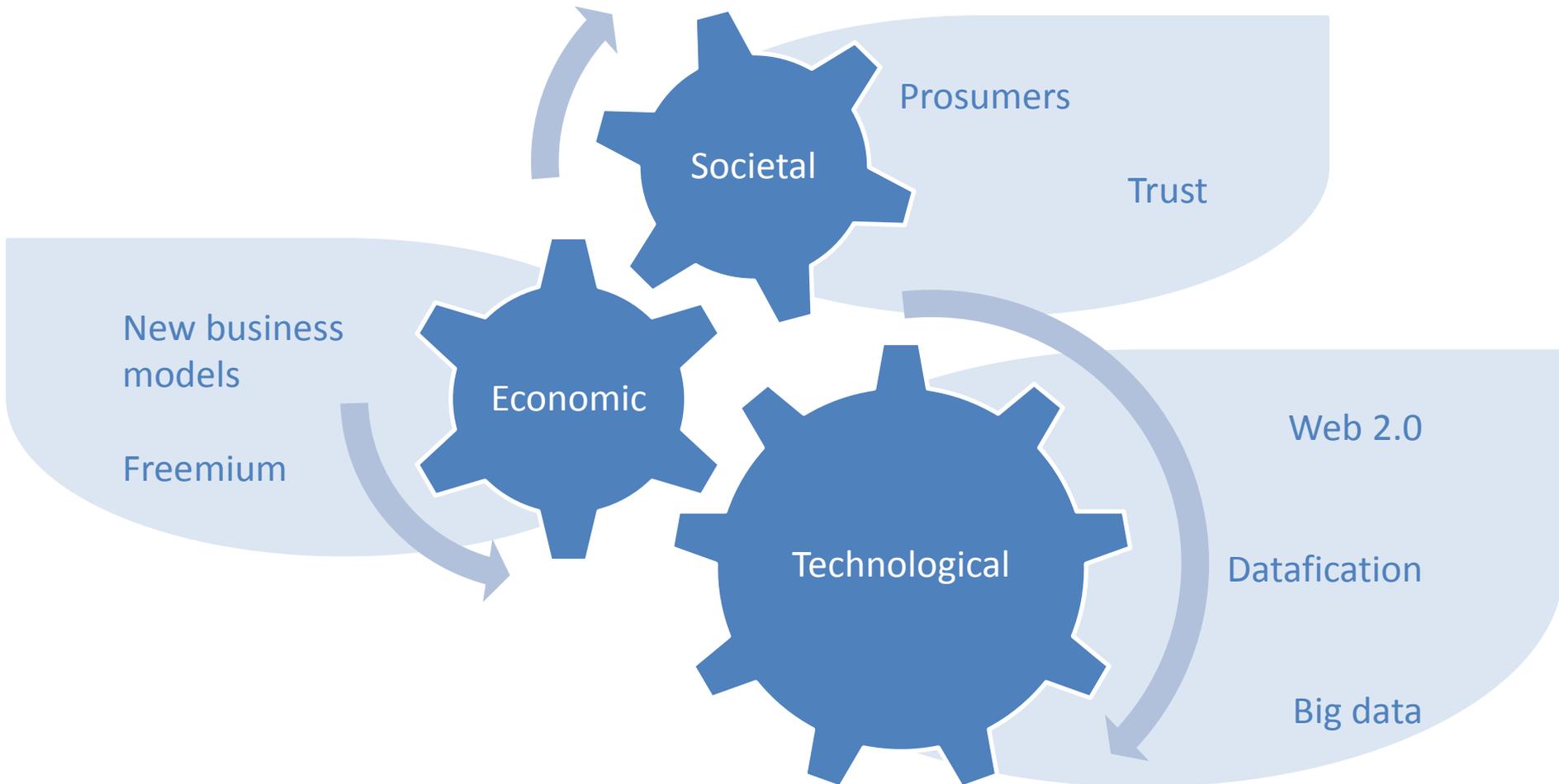
I. Three perspectives of the growing data-driven economy



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I. Three perspectives of the growing data-driven economy



Break point for the EU law



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ANDREAS G. FEDERER	4	0	30

II. The GDPR at a glance



GDPR Timeline

2012 EC
proposal

2013 EU
Parliament vote

2015 Council
position

2016
adopted

2018 enters
in force

III. The contradicting nature of the GDPR

- Copy-pasted directive **v.** revolutionary statute
- Rights-based **v.** utilitarian
- Outdated **v.** fit for the big data age

IV. Data subject control rights

- *The right to access*
- *The right to rectification*
- *The right to be forgotten*
- *The right to restriction*
- *The right to data portability*
- *The right to object*
- *The right not to be subjected to solely automated decisions*

- Based on the notion of control and self-determination
- *Numerus clausus*
- Strengthened and updated in the GDPR

Discussion points



Q1. *To what extent is the GDPR able to address the Big Data challenge (or, in other words, what are its limits)?*

- **Indefinite data sharing and reusing**

“To circumvent the principle of purpose limitation companies use wide formulations and avoid specificity.” (van Alsenoy, 2015)

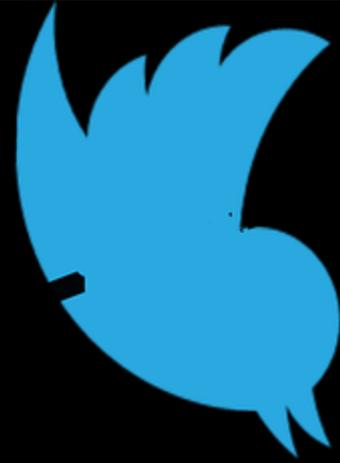
- **Anonymised data out of the GDPR scope**

“Big data processes are not interested in an individual as such and her specific personal data; data analyses tend to revolve around large quantities of aggregated (and usually anonymised) data.” (Purtova, 2015)

- **‘Shaky’ consent**

“Consent has its basis in the idea of autonomous authorization, but it is questionable whether data subjects are capable of making such conscious, rational and autonomous choices.” (Schermer, Custers and van der Hof, 2014, Keymolen 2016)

Q2. *Are data subject rights effective in the big data environment?*



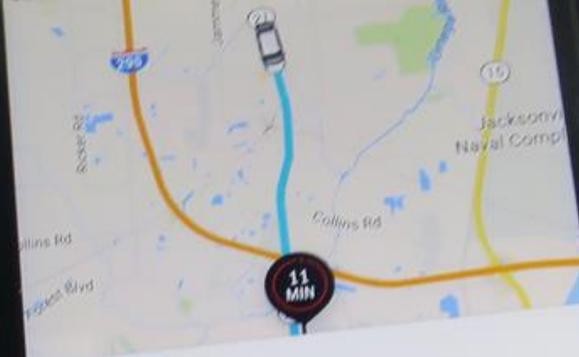
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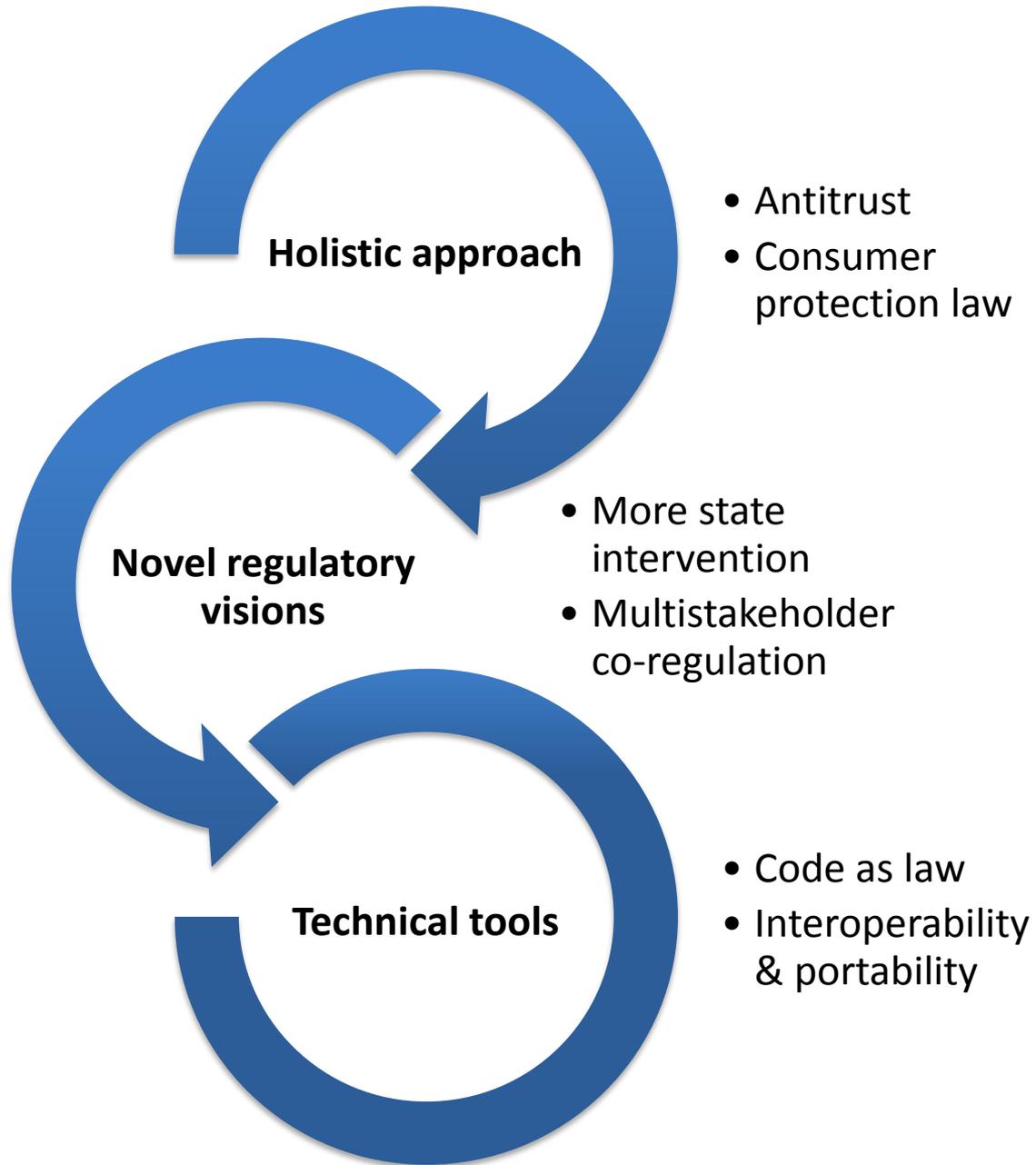
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Q3. *Could alternatives, such as self-regulation, technical tools or hollistic approach, be a solution for the weak data subject's position?*





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Thank you for your attention!

**Please reach out to me if you have any
questions**

h.ursic@law.leidenuniv.nl