

## Upcoming Events

### **27 March 2019 - Meet the Author Series: Data Protection Directive for Police and Criminal Justice Authorities**



On **27 March 2019**, the **Brussels Privacy Hub** will host a debate, within the **Meet the Author Series**, with the authors of a paper entitled "**Data Protection Directive 2016/680 (EU for Police and Criminal Justice Authorities)**", written by and **Juraj Sajfert** (DG JUST) and **Teresa Quintel** (Luxembourg University).

The paper gives a good overview of the main particularities of what seems a bit a forgotten domain, **data protection in the area of police and justice by law enforcement agencies** (LEAs). Whereas most attention is given to the impact of the GDPR, the paper addresses particularities of data protection in an area where transparency of data processing operations is not always obvious.

The directive covers an important area. Firstly, an increased number of criminal acts is being committed online or with the help of online tools. Secondly, as perpetrators are becoming more tech-savvy, LEAs turned to new investigative techniques, including big data analytics. Thirdly, EU rules (both the patchwork of data protection rules adopted under the former third pillar and the rules for EU Justice and Home Affairs Agencies) on the processing of personal data by LEAs are profoundly changed.

The paper includes four focal points (profiling, indirect exercise of data subject rights, logs, international transfers), which are excellent topics for discussion.

The **programme** is now available.

**Time: 12:00 - 14:30** (lunch is included)

**Venue: U-Residence, Vrije Universiteit Brussel, Pleinlaan 2, 1050, Brussel** (Access also via **Generaal Jacqueslaan 271, 1050 Brussels**)

**Registration:** The event is free to attend, but due to limited capacity, registration is required.

Please register [here](#) or, in case of problems, send an e-mail to

**14 May 2019 - Exploring the Privacy and Data Protection connection : International Workshop on the Legal Notions of Privacy and Data Protection in EU Law in a Rapidly Changing World**



On **14 May 2019**, the **Law, Science, Technology and Society Research Group (LSTS)** and the **Brussels Privacy Hub** will hold an International Workshop on the Legal Notions of Privacy and Data Protection in EU law in a Rapidly Changing World to take stock of current academic thinking and the developments in the case law and in policy making in the area, and to discuss the significance of these rights in the future.

The interactive open one-day Workshop on "**Legal Notions of Privacy and Data Protection in EU law in a in a Rapidly Changing World**" will discuss the EU rights to privacy and data protection – their nature, scope and limitations, but also their practical legal and policy implications. For this purpose, the one-day workshop will bring together the leading academic experts, policy makers and practitioners in Europe to discuss different aspects of the complex relationship between privacy and data protection.

**Call for Papers** for PhD students and early career researchers - deadline for submission of abstracts 28 February 2019. **DEADLINE** for submission of abstracts **prolonged**: new end date **10 March 2019**.

Please send your abstract to [info@brusselsprivacyhub.eu](mailto:info@brusselsprivacyhub.eu) with your name, affiliation, and short biography.

**Organising Committee:** Prof. Gloria González Fuster, Dr. Hielke Hijmans, and Laura Drechsler.

**Venue:** U-Residence, Vrije Universiteit Brussel, Pleinlaan 2, 1050, Brussel (Access also via Generaal Jacqueslaan 271, 1050 Brussels)

**24-28 June 2019 - 4th European Data Protection Law Summer School Advancing (with) EU data protection**



From **24 June to 28 June 2019**, the **Brussels Privacy Hub** will host its **4th European Data Protection Law Summer School**, entitled "**Advancing (with) EU data protection**".

During five days, participants will explore **EU's primary and secondary law**, and engage with a variety of stakeholders ranging from **practitioners** with worldwide privacy expertise, **representatives of key EU institutions** including the European Commission and the European Parliament, data protection authorities among which the European Data Protection Supervisor (EDPS), **digital rights advocates**, and **leading academics** from Europe and beyond. They will also have a unique opportunity to **network** with, and learn from, equally interested participants.

Combining **lectures** by internationally recognised speakers, hand-on **practical cases**, and **role-playing**, students will be brought directly into the heart of European Union's legal and policy-making and given a full-fledged vision of the challenges and opportunities of EU's data protection, and its global role.

A detailed **programme** will be available soon.

**Location:** Institute for European Studies (IES) of the Vrije Universiteit Brussel (VUB), Pleinlaan 5, B-1050, Brussels.

**Language:** English.

**Target audience:** Legal practitioners, public and private sector data protection professionals - including compliance officers, data protection officers, data policy officers - civil society professionals, early career academic researchers and others who work in the areas of privacy and data protection law. Prior familiarity with the field required.

**Certificate:** Participants will receive a certificate of attendance indicating that they have attended the full programme.

**Registration:** to register and benefit from our early bird fees, [click here](#).

## Past Events

**[30 January 2019 - Digital Data Flows](#)**  
**[Master Class: De-Identification, Differential Privacy, and Homomorphic Encryption - CPDP 2019 Side Event](#)**



On **30 January 2019**, the **Brussels Privacy Hub** and the **Future of Privacy Forum (FPF)** hosted an official **CPDP** side event named "**De-Identification, Differential Privacy, and Homomorphic Encryption**" as part of the "**Digital Data Flows Master Class**" series.

Guest experts **Sophie Stalla-Bourdillon** (University of Southampton, Immuta) and **Khaled El Imam** (CEO, Privacy Analytics) gave the participants an understanding of: what it means to identify individuals in datasets; how to reduce risks of re-identification through anonymization and pseudonymization; what is involved in common re-identification attacks; and how data holders are using methods such as differential privacy (a statistical technique), and homomorphic encryption (an advanced computation method), to gain insights about data without identifying individuals.

The materials speakers' [slides](#) and the [video](#) of the presentations are available.

**1 February 2019 - Health data and AI in clinics and research: legal basis, transparency and accountability - CPDP 2019 Panel**





*Citizens*  
*Stakeholders*  
*Security*  
*Data protection*  
*Commerce*  
*Informed consent*

On **1 February 2019**, the **Brussels Privacy Hub** together with PANELFIT (Participatory Approaches to a New Ethical and Legal Framework for ICT) hosted a CPDP panel on "**Health data and AI in clinics and research: legal basis, transparency and accountability**".

**Bernd Stahl** (De Montfort University), **Zuzanna Warso** (Helsinki Foundation for Human Rights, Europe of Human Rights, SIENNA Project), **Nicola Orlandi** (Novartis) and **Aliuska Duardo** (University of the Basque Country) discussed the key challenges of **health data processing in clinics and research under the GDPR** and beyond, trying to address this challenges: how to deal with the risks of using of new data-mining techniques in the context of clinics and how to protect rights and freedom of data subjects. How to assess the conflict between private and public interest in the context of biomedical research in terms of data protection law. Identification and resolution of the main ethical, legal and governance issues related to AI in the health care context.

**Albena Kuyumdzhieva** (European Commission) chaired the discussion, moderated by **Gianclaudio Malgieri** (Brussels Privacy Hub).

A video of the panel is now available [here](#).

**[25 February 2019 - The Trouble with Article 25 \(and How to Fix It\): The Future of Data Protection by Design and Default](#)**



On **25 February 2019**, the **Brussels Privacy Hub** hosted **Ira Rubinstein** (New York University School of Law) who presented a paper in progress, on “**The Trouble with Article 25 (and How to Fix It): The Future of Data Protection by Design and Default**”, providing his point of view as a US scholar on **Article 25** of the **General Data Protection Regulation (GDPR)**. He debated his ideas with **Dr. Hielke Hijmans** (Brussel Privacy Hub), who also chaired the discussion, and the audience.

A summary of the presentation and of the following discussion is available [here](#).

## **26-27 February 2019: Data Protection in Humanitarian Action Project**



On **26 and 27 February 2019**, the **Brussels Privacy Hub** (BHP) and the **International Committee of the Red Cross (ICRC)** hosted a workshop addressing **data protection issues in blockchain** and **digital identity use cases in the humanitarian sector**. The two-day workshop was held at the ICRC headquarters in Geneva and was part of the **2nd working series** that aims at updating and extending the scope of the **Handbook on Data Protection in Humanitarian Action** (Handbook), which was first published in 2017.

Representatives of humanitarian organisations, National Red Cross Societies, national data protection authorities, scholars, technical experts and representatives of the private sector presented and discussed challenges related to personal data processing in existing blockchain applications and digital identity solutions for humanitarian programs. The main points raised during the discussion as well as concerns for the future use of such technologies will be integrated in the revised and more extensive version of the Handbook that will be published by January 2020.

## News

### **Prof. de Hert awarded prestigious ‘Michał Serzycki’ Data Protection Award from Personal Data Office, Poland**

On **28 January 2019**, Prof. **Paul de Hert** was awarded the prestigious **‘Michał Serzycki’ Data Protection Award**. The Award entails the recognition of his work in the field of data protection for the benefit of promoting data protection values and the right to privacy, as well of his special awareness and involvement in this area. In addition this Award acknowledge’s his contribution to mutual initiatives as regards work on European Union funded projects. The results of these projects still constitute invaluable help in educating in the field of privacy and personal data protection. The Award ceremony will take place on the occasion of the Data Protection Day Conference organised by the Polish DPA in Warsaw.

### **Prof. Christopher Kuner at European University Institute**

Hub Co-Director Prof. **Christopher Kuner** is a visiting fellow in the Department of Law of the **European University Institute (EUI)** in Florence in the second term of 2019. On **28 January 2019**, he gave a talk at EUI as part of the ENACT program entitled **“The territorial scope of the GDPR”**. On **30 January 2019**, he gave a talk at the Department of Law entitled **“International organizations and the EU General Data Protection Regulation”**.

### **Video of Meet the Author with Philipp Hacker now online**

On **17 December 2018**, the **Brussels Privacy Hub** hosted a **Meet the Author Series** with **Philipp Hacker** (Humboldt University of Berlin / WZB Berlin Social Science Center) discussing his article **“Teaching Fairness to Artificial Intelligence: Existing and Novel Strategies against Algorithmic Discrimination under EU Law”**. Discussants were **Paul Nemitz** (European Commission), Prof. **Gloria González Fuster** (Brussels Privacy Hub / LSTS) and **Hielke Hijmans**

(Brussels Privacy Hub).

Find a short video with interviews summarising the event [here](#) and a written summary [here](#).

# Publications

**WORKING PAPER • VOL. 5 • N° 14 • JANUARY 2019**

## **Belgium, Courts, Privacy and Data Protection. An inventory of Belgian case law from the pre-GDPR regime (1995-2015)**

by **Paul De Hert**

### ABSTRACT

This Contribution focuses on the use made by the Belgian Constitutional Court, the Cour de Cassation and the ordinary courts of the right to privacy and the right to have personal data protected as anchored in the Belgian Constitution, the Belgian Data Protection Act and the European sources. A selection of their judgements, all dating from the era before the new EU Data Protection Regulation, are discussed along the lines of their impact on health privacy, workplace privacy, surveillance and social media privacy. Our analysis shows a great deal of European loyalty on behalf of the Belgian Constitutional Court towards European trends to favour privacy and data protection. In stark contrast stands the case law of the Cour de Cassation mainly focussed at preserving prosecutorial interests and employer's interests at the detriment of privacy and data protection interests. In our conclusions we discuss tendencies towards cosmopolitanism and tribalism, the dramatic impact of evidence law and patterns of litigation.

Our analysis covers the data protection era where Belgian law was indirectly governed by EU Directive 95/46/EC 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 (OJ L 281, 23 November 1995, 31). The Directive contributed to the roll-out of data protection and harmonized the data protection provision in the EU Member States but suffered from implementation weaknesses and lack of recognition. A certain lack of recognition of the importance of data protection in the European (and Belgian legal) landscape disappeared with the the EU General Data Protection Regulation 2016/679 ("GDPR") (OJ L 119, 5 Ma.2016, 1-88 ) that repealed Directive 95/46/EC and came into force on 25 May 2018 with direct applicable provisions. Further studies are needed to study the impact of the new European provisions on the work and output of the Belgian courts.

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