

DESIGNING DATA PROTECTION BY DESIGN FOR PUBLIC AUTHORITIES

JUDR. INGRIDA PAPÁČOVÁ

MGR. MATÚŠ MESARČÍK, LL.M



COMENIUS UNIVERSITY IN BRATISLAVA

FACULTY OF LAW

DEPARTMENT OF ADMINISTRATIVE LAW AND ENVIRONMENTAL LAW

PERSONAL DATA

- Act. NO.18/2018 Coll. about protection of personal data, § 2

“Personal data entitare data relating to an identified natural person or legal person that can be identified directly or indirectly, in particular by means of a generic identifier, of another identifier such as name, surname, identification number, location data, 1) or online identifier, or on the basis of one or more characteristics or features that make up its physical identity, physiological identity, genetic identity, psychological identity, mental identity, economic identity, cultural identity or social idy.”

PUBLIC AUTHORITIES

- Not defined term
- It is possible to image the public authority as representatives of the various components of power in the state.
- 3 types:
 - a) state government,
 - b) self-government and
 - c) other public government.

DIFFERENCE BETWEEN PUBLIC AUTHORITY AND TRADING COMPANY

- Basic points:

- a) origin

- b) name

- c) residence

- d) actions

- e) scope of rights and obligations – public authorities - all of them decide about rights, obligations and law protected interest - determined by law

BASIC DOCUMENTS

- Act NO. 460/1992 Coll. Constitution of the Slovak Republic
- Act NO. 18/2018 Coll. on personal data protection and on amendments to certain acts
- General Data Protection Regulation

BASIC FUNDAMENTALS

- legitimacy
- purpose limitation
- minimizing personal data
- correctness
- minimization of storage
- integrity and credibility
- responsibility
- general principle of transmission

VALIDITY AND EFFICIENCY

- Act NO. 18/2018 Coll. on personal data protection and on amendments to certain acts - on 25th May 2018
- General Data Protection Regulation – on 25th May 2018

IMPACT OF NEW LEGAL REGULATION FOR PUBLIC AUTHORITIES

- Till this time was the personal data protection only possibility for public authorities
- New legal arrangements for public authorities is much more strict than actual

GAPS

- authentication,
- registers,
- information and communication technologies,
- control in public administration,
- technical standards,
- code protection,
- the validity clause,
- court decisions and administrative decisions

GAPS

- specific situation of public authorities,
- fulfillment of public administration obligations,
- open data work,
- responsible person,
- mediation of the intermediary,
- conflict of interest in fulfilling the responsibilities of the responsible person and his position in the public administration system,
- assessment of possibilities of application of exceptions in the processing of personal data

GAPS

- notifying obligation in case of violation of the protection of personal data,
- the right of deletion,
- the right to transfer personal data,
- the obligation to implement pseudonymization and data encryption,
- ensuring the monitoring of personal data protection

Thank you for your attention!