

## Brussels Privacy Hub Newsletter

Special edition 3rd European Data Protection  
Law Summer School



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# In Focus: 3rd European Data Protection Law Summer School

**25 June - 29 June 2018: 3rd edition of the  
European Data Protection Law Summer  
School**



From **25 June to 29 June 2018**, the Brussels Privacy Hub hosted its already third edition of the **European Data Protection Law Summer School** on the topic of "**Putting the GDPR into Practice & in Context**". Nearly 20 participants enjoyed an intense week of data protection classes, studying the fundamental right of data protection, the GDPR, e-privacy, artificial intelligence and data protection impact assessments. Theoretical lectures were combined with practical exercise to gain an optimal learning experience. Find the [programme](#) here.

In addition to the packed programme, participants could join two exclusive evening events, a trip to the European Parliament and a networking dinner. Find two **highlights** of these events below.



## 25 June 2018: Launch event and award ceremony with Paul Nemitz on "Artificial Intelligence, Blockchain and Data Protection Law"

On **25 June 2018**, the Brussels Privacy Hub hosted an exclusive **opening keynote event** for the **3rd edition of the European Data Protection Law Summer School** at the Permanent Representation of Belgium to the European Union. The keynote was given by **Paul Nemitz**, Principal Advisor to the Director General for Justice and Consumers of the European Commission and **Hub Board Member**, and focused on **"Artificial Intelligence, Blockchain and Data Protection Law"**.

At this occasion, Paul Nemitz also received his award following his appointment as a **Fellow of the Vrije Universiteit Brussel**. "VUB Fellow" is the highest grade of membership of the University, a title bestowed upon unique personalities. The event was followed by a cocktail reception.



## 27 June 2018: Roundtable "The GDPR in third countries: The opportunities of the"

## Modernisation of Convention 108"

On **27 June 2018**, the Brussels Privacy Hub hosted a Roundtable on "**The GDPR in third countries: The opportunities of the Modernisation of Convention 108**", dealing with the coming into effect of the GDPR as a global phenomenon and the additional opportunities provided by the adoption of the modernised version of Convention 108. After a keynote by **Péter Kimpián**, Council of Europe, the panelists, Prof. **Graham Greenleaf**, University of New South Wales, Dr. **Vagelis Papakonstantinou**, VUB, and **Anna Johnston**, Salinger Privacy debated different approaches to data protection and privacy across the globe. The roundtable was moderated by **Hielke Hijmans**, Brussels Privacy Hub and followed by a reception.

## Upcoming Events

### Study International, European and Data Law in Brussels



The **Brussels Privacy Hub** has joined forces with **VUB's Institute for European Studies (IES)** to offer the possibility to study **International and European Law with a Data Law specialisation** in Brussels, starting from the academic year **2018-19**. Students of the LLM in International and European law, an Advanced Master's degree, will be able to follow a **new Data Law option**, consisting of three courses: '**International and European data protection law**', '**Data policies in the EU**', and a case study on '**Global privacy and data protection law**'. Applications are accepted on a rolling basis. You can find more information [here](#).

Apply now

### 29 August 2018: Data protection for scientific research: Which preliminary findings under the GDPR?

On **29 August 2018**, the Brussels Privacy Hub together with the

**Promoting Integrity as an Integral Dimension of Excellence in Research project (PRINTEGER)** will be hosting a lunchtime event on "**Data protection for scientific research: Which preliminary findings under the GDPR?**" from **12:00 - 13:45** (lunch will be provided).

As data-based research permeates almost all fields of science, personal data protection has become a crucial dimension of scientific practice. This was notably brought to the fore by the Cambridge Analytica / Facebook scandal, enabled by massive data collection practices originally emanating from the academic world. The question remains of how to effectively address the challenges in the area, and the role of data protection law, (data) research ethics, or research integrity, in this regard.

This lunch event will open up a discussion on the current state of data protection in scientific research, taking stock of current developments in light of the application of the General Data Protection Regulation (GDPR), and looking into persistent gaps.

**Time:** 12:00 - 13:45 (lunch included)

**Venue:** **Lisbon Conference Room**, Lower Ground Floor, Institute for European Studies, VUB, Pleinlaan 5, 1050 Brussels

**Registration:** The event is free to attend, but due to limited capacity, registration is required. Registration information will be available in due course on our [website](#).

## **18 September 2018: The GDPR and Journalism. Protecting Privacy or a Break on Democratic Accountability?**

On **18 September 2018**, the Brussels Privacy Hub will host a lunchtime debate with **Pol Deltour**, VVJ/AVBB, and **Paul Quinn**, VUB, on "**The GDPR and Journalism. Protecting Privacy or a Break on Democratic Accountability**" from **12:00 - 14:30** (lunch will be provided).

Journalism like many other professions depends on the use of data which is often of a personal nature. Unlike many other areas however the profession can be set apart because gaining the consent of the data subjects involved is often not realistic given its investigative nature. Traditionally, journalists have been able to carry out such functions using public interest based exceptions. The arrival of the GDPR has heralded a change for the journalistic profession and has to a large extent harmonised data protection law throughout Europe. The regulation requires inter alia that applicable national law exists in order for journalists to carry out their function as before. The form such law takes is important as its formulation has the ability to restrict journalistic practice causing potential problems for our democratic societies.

The lunchtime debate will discuss the intersection of journalism and data protection using the perspective of the GDPR and Belgian law as a useful illustration.

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

**Programme:** The [programme](#) is now available.

**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.

[Register](#)

## 28-29 September 2018: "GDPR for SMEs" training course offered by European Digital SME Alliances, d.pia.lab and Brussels Privacy Hub

The 'GDPR for SMEs' training course is offered by the **European DIGITAL SME Alliance** and the **Brussels Laboratory for Data Protection & Privacy Impact Assessments (d.pia.lab)** in partnership with **Brussels Privacy Hub**.

The training programme is tailored for people running small and medium-sized enterprises and professionals that offer digital services. These companies are often referred to as 'digital enablers' and their activities may range from software development, technology transfer, design and hosting of the web sites, digital marketing to more broadly technology advice and IT security support.

If you are a digital enabler and the GDPR is a legal obligation for your business, you may **register via the European DIGITAL SME Alliance** website for the second edition of the training that is going to take place on **28-29 September 2018**.

**Time:** 28-29 September 2018 (2 days full training)

**Registration:** Register with the **European Digital SME Alliance**

[Register](#)

## Past Events

### 4 June 2018: Roundtable: "Current Privacy and Security Challenges in the United States, Belgium, and the EU"



On **4 June 2018**, the Brussels Privacy Hub hosted **Nuala O'Connor**, President and CEO of the Center for Democracy and Technology, for a roundtable on “**Current Privacy and Security Challenges in the United States, Belgium, and the EU**” and was visiting Brussels at the invitation of the **German Marshall Fund** of the United States as part of a program with the US Embassy to strengthen the Belgium-US dialogue on data protection. The event offered the opportunity to openly exchange views with Ms O'Connor, who gave insights in the US perspective on privacy, encrypted data and the GDPR. A short **summary** of the roundtable can be found on our website.

## 6 June 2018: Roundtable: Law Enforcement Data Access Series: “Encrypted data: Challenges and Opportunities”



On **6 June 2018**, the Brussels Privacy Hub in collaboration with **Canvas Project** hosted its 3rd successful **Law Enforcement Data Access Series** event titled “**Encrypted data: Challenges and Opportunities**” under the chairwomanship of **Catherine Van De Heyning** (FRC, VUB). The event combined perspectives from policy-makers, **Graham Willmott**, Head of Unit DG Home, European Commission, industry, **Owen Bennett**, Mozilla, academia, **Prof. Joachim Meese**, University of Antwerpen, with practical insights from law enforcement, **Jan Kerkhofs**, Belgian Federal Prosecutor’s office, Counter Terrorism Unit & Cybercrime Unit. It concluded with

a lively debate with the audience. A summary of the proceedings will be uploaded to our Website soon.

## 26 June 2018: Meet the author series: "Threats to EU concepts of 'adequacy' from trade agreements and data export agreements in the Asia-Pacific" (Professor Graham Greenleaf)



On **26 June 2018**, the Brussels Privacy Hub hosted a next edition in its Meet the Author Series on **"Threats to EU concepts of 'adequacy' from trade agreements and data export agreements in the Asia-Pacific"** with **Graham Greenleaf**, Professor of Law & Information Systems at the UNSW Sydney. Three of Greenleaf's most recent works (Greenleaf, G 'Looming Free Trade Agreements Pose Threats to Privacy' (2018) Privacy Laws & Business International Report 23-27 (April 2018), Greenleaf, G, 'Questioning 'Adequacy' (Pt II) - South Korea' (2018) Privacy Laws & Business International Report 14-16 (February 2018) and Greenleaf, G, 'Questioning 'Adequacy' (Pt I) - Japan' 2017) Privacy Laws & Business International Report, 1, 6-11 (December 2017) were discussed with Professor **Christopher Kuner** (Brussels Privacy Hub) and **Fabian Delcroix** (DG Justice, European Commission). The debate was moderated by **Dr Hielke Hijmans** (Brussels Privacy Hub). Find a full summary of the event [here](#).

## News

### Christopher Kuner speaks at St Petersburg International Legal Forum, Workshop of the European Union Institute and at workshop on data protection within international organisations

Hub co-director Prof. Christopher Kuner spoke on two panels at the **St Petersburg International Legal Forum** in St. Petersburg, Russia. On **17 May 2018**, he spoke on the panel **"Identification of Participants in Legal Relations of the Digital Environment and New Digital Services: Trend Towards Digital Economy"**, and on **18 May 2018**, he spoke on the panel **"Data for Everything: in Search of Balance of Interests"**. The Forum was attended by several thousand delegates from 86 countries.

On **11 June 2018**, Prof. Christopher Kuner spoke at a workshop at the European University Institute in Florence entitled “**The General Data Protection Regulation in context: Data Protection in International Organisations in general and in the EUI in particular**”. More information about the workshop is available [here](#).

On **13 July 2018**, Hub Co-Director Prof. **Christopher Kuner** gave a presentation at the **workshop on data protection within international organisations** that was co-organized by the European Data Protection Supervisor and the United Nations High Commissioner for Refugees (UNHCR); the workshop was held at the UNHCR Global Service Centre in Copenhagen. He spoke on the panel entitled “The impact of the GDPR and transfers from and to international organisations”.

#### **Hub holds roundtable on the GDPR and diplomatic missions**

On **22 May 2018**, the Hub held a **roundtable on the GDPR and diplomatic missions**. The roundtable, which was by invitation only, examined the potential impact of the GDPR on the work of embassies and other diplomatic missions. It was attended by diplomats from a number of non-EU countries.

#### **Graham Greenleaf and Anbar Jayadi join Brussels Privacy Hub as visiting scholars**

On **25 June 2018**, **Graham Greenleaf**, Professor of Law & Information Systems at the UNSW Sydney, joined the Brussels Privacy Hub as a visiting scholar. During his week-long stay he contributed to the **3rd European Data Law Summer School**, was at the centre of a special edition of Meet-the-Author on “**Threats to EU concepts of ‘adequacy’ from trade agreements and data export agreements in the Asia-Pacific**” and joined a roundtable on “**The GDPR in third countries: the opportunities of the Modernisation of Convention 108**”.

On **16 July 2018**, the Brussels Privacy Hub welcomed **Anbar Jayadi**, a faculty member of the Department of International Law, Faculty of Law, Universitas Indonesia as a visiting scholar for a month. During her stay with the Hub, Anbar will research on “**Indonesia’s readiness in data privacy enforcement**” (Draft working paper available).

#### **Hub member Laura Drechsler awarded FWO scholarship**

On **27 June 2018**, Brussels Privacy Hub member **Laura Drechsler** was awarded the **FWO scholarship** for her thesis on “**Data subject rights in cross-border data transfers**” for two years, renewable once. Her research will consider what role data subject rights play when personal data is transferred outside of the European Union, for which she will also try to establish the standard a third country has to fulfill to be considered adequate for data protection from an EU perspective.

## **Publications**

#### **First Law Enforcement Data Access summary on the CLOUD Act now available**

On **18 April 2018**, the Brussels Privacy Hub in collaboration with the **JUD-IT project**, held its first event in its new Law Enforcement Data Access Series titled “**US CLOUD-Act: Signalling change in global data flows?**”. The event featured discussions by the key experts **Gloria González Fuster** (VUB), **Jason Biros** (U.S. mission to the European Union), **Juraj Sajfert** (DG JUST, European Commission), **Maryant Fernández Pérez** (European Digital Rights) and **Jens-Henrik Jeppesen**. They debated the significance of the US CLOUD act for cross-border access to electronic data. Please find a summary now [here](#).



## Hub Co-Director Christopher Kuner publishes article in Common Market Law Review

Hub Co-Director Prof. Christopher Kuner has just published the following article on the EU Court of Justice's Opinion 1/15 on the proposed EU-Canada PNR agreement: "**International agreements, data protection, and EU fundamental rights on the international stage: Opinion 1/15 (EU-Canada PNR)**", vol. 55 no. 3 Common Market Law Review 857-882 (2018).

## Brussels Privacy Hub Working Paper Series No 11: The Microsoft Ireland case and the cyberspace sovereignty trilemma. Post-territorial technologies and companies question territorial state sovereignty and regulatory state monopolies

**Paul de Hert** (BPH, LSTS, TILT) and **Johannes Thumfart** (VUB) published a new **BPH working paper** discussing the implications of the Microsoft Ireland case titled "**The Microsoft Ireland case and the cyberspace sovereignty trilemma. Post-territorial technologies and companies question territorial state sovereignty and regulatory state monopolies**". The Microsoft Ireland case brought before the Supreme Court in 2018 and dropped the very same year has attracted attention world-wide from policymakers and scholars. The **11th BPH Working Paper** focuses on two important features of the case: the conflicting and often chaotic approaches to the notion of sovereignty of many of the players and the remarkable move of a private company to trigger regulation in a world where companies, technologies, data flows and governments transgress borders with growing acceptance of the inadequacy of older territorial comprehensions of the world order. Find it [here](#).

## Brussels Privacy Hub Working Paper Series No 12: Understanding the balancing act behind the legitimate interest of the controller ground: a pragmatic approach

**Paul de Hert** (BPH, LSTS, TILT) and **Irene Kamara** (TILT, LSTS) published a new **BPH working paper** discussing the prerequisites, stakes, and relevant case law of the legitimate interest of the controller ground for data processing (Art. 6(f) GDPR), titled "**Understanding the balancing act behind the legitimate interest of the controller ground: a pragmatic approach**". While much debate has taken place over consent and the conditions for a meaningful informed choice of the data subject, the legitimate interest ground has not been at the spotlight of academia and practitioners. The **12th BPH Working Paper** analyses the concept of legitimate interest of the controller of Art. 6 (f) GDPR in relation to Art. 7 (f) of the Data Protection Directive 95/46/EC and the interpretations of the concept by the Court of Justice of the EU and the Article 29 Data Protection Working Party. The authors argue that when the legitimate interest ground is seen through the lens of the data protection principles of Article 5 GDPR and Article 8 Charter Fundamental Rights EU, it is not a loophole, as it has often been criticised, but an equivalent basis for lawful processing. Find it [here](#).

[View in browser](#)

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