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**Data protection and risks to rights**  
*Some insights from the constitutional law perspective*

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The amount of data now available is so big that Governments such as Third parties can make decisions about citizens basing their strategies on the output of complex, massive data processing. In this regard, just a few examples suffice to show how data-intensive technologies already have a significant impact on the rights of the people involved. Scandals as WikiLeaks, as well as some other leading cases decided by EUCJ (e.g. *Digital Rights* and *Schrems*) primarily focused the attention on the importance of privacy. Nevertheless, the use of new automated data analytics in many sectors of public administration raised several concerns also for many other rights, such as the right of defense or the right to due process (e.g. *Loomis v. Wisconsin* or *La Buona Scuola* case).

Tackling these problems, at the EU level the GDPR brought in new methods and measures, and one of the main hallmarks of this recent reform is data protection impact assessment (art. 35). This provision surely is innovative and ambitious and has no exact equivalent in the previous EU law. Its application, however, in practice might be very challenging. First of all, the provision of the GDPR offers just a generic description of the process. Secondly, focusing on data protection, article 35 leaves many questions about other fundamental rights protection unanswered. Last but not least, considering the different sensibilities about data protection at national level, its implementation is open to multiple interpretations, especially when limiting some rights, data-technologies promise to satisfy relevant public interests to answer urgent social problems.

The research examines these problems from the view of Italian constitutional law, reviewing how national legislator is implementing these provisions for the protection of data. It investigates the nature of impact assessment duties, the rights this process should guarantee, and its contextualization within the traditional framework for the protection of fundamental rights. The study aims to explain how in this field national and EU legislation are intertwined and where could emerge any constitutional law issues across these two systems in light of the new GDPR.