

CNPD Course: Data Protection Basics

Basic concepts



Esch-sur-Alzette

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Programme

1. Introduction
- 2. Basic concepts**
3. The rights of data subjects
4. The role of the CNPD
5. The obligations of controllers
6. Main innovations introduced by the new European data protection regulation

Basic concepts - Overview

1. What is “personal data” ?
2. Main principles
3. Concept of “processing”
4. Key data protection actors
5. Legal framework

1. What is “personal data” ? (1/3)

“ Any information of any type regardless of the type of medium, including sound and image, relating to an identified or identifiable natural person”

Article 2 (e) of the Amended Act of 2 August 2002 concerning the protection of individuals with regard to the processing of personal data.

1. What is “personal data” ? (2/3)

- “Clear text data”:

Data that allows the immediate identification of a person

- Pseudonymised data:

Possibility to identify a person after a more or less significant research effort

- Anonymised data:

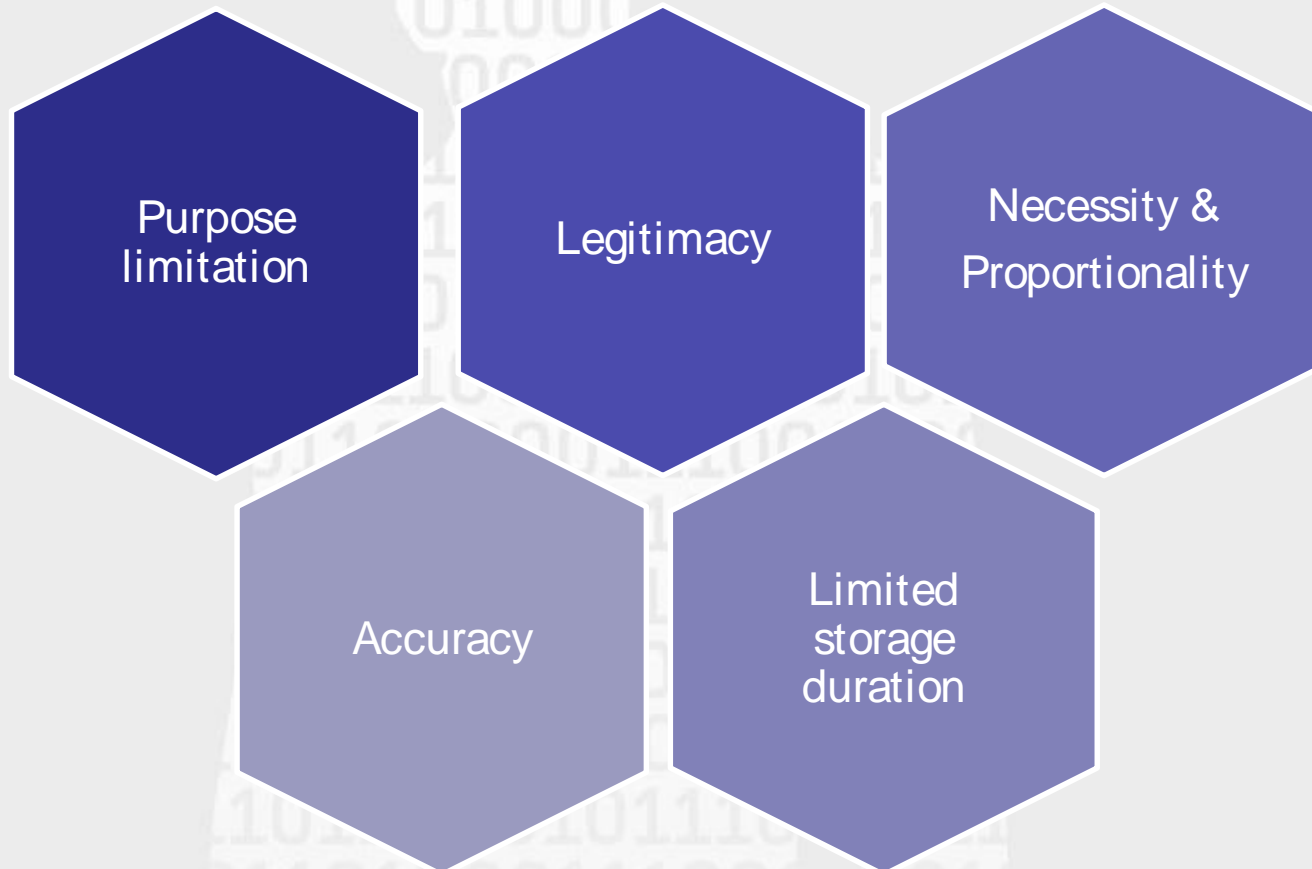
Absolute impossibility to link the data to a specific person

1. What is “personal data” ? (3/3)

“Sensitive” data:

- ✓ racial or ethnic origin
- ✓ political opinions
- ✓ religious or philosophical beliefs
 - ✓ trade-union membership
 - ✓ health data
 - ✓ data on sex life
 - ✓ genetic data
- ✓ judicial data (special category)

2. Main principles



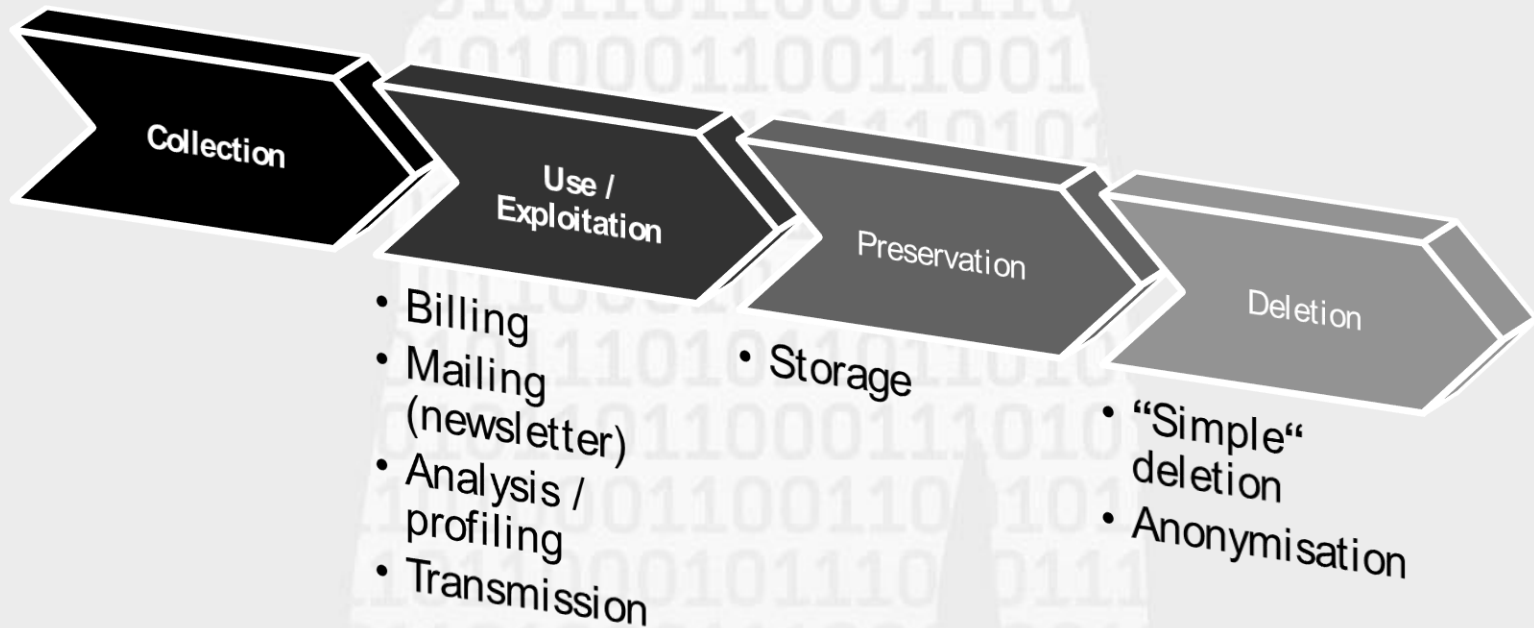
3. Concept of “processing” (1/3)

“ Any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction”

Article 2 (r) of the Amended Act of 2 August 2002 concerning the protection of individuals with regard to the processing of personal data.

3. Concept of “processing” (2/3)

“Standard” processing:



3. Concept of “processing” (3/3)

“Special” processing activities:

- “Usual” processing BUT relating to sensitive data
- “Standard” data BUT processing is deemed “risky”

4. Key data protection actors (1/3)

- Data subject
- Third parties
- Data protection authorities
- Controller
- Processor
- Data protection officer

4. Key data protection actors (2/3)

- Controller

determines the purposes and means of the processing

- Processor

processes personal data on behalf and upon instruction of the controller

4. Key data protection actors (3/3)

- Data protection officer
 - ✓ Safeguards the application of the legal requirements within the company
 - ✓ Independent
 - ✓ Must be granted adequate time to fulfil duties

5. Legal framework

(in chronological order)

- Act of 11 August 1982 on the protection of privacy
- **Amended act of 2 August 2002**, transposing directive 95/46/EC
 - “**the Law**”
- Amended act of 30 May 2005, transposing directive 2002/58/EC (electronic communications)
- Regulation (EU) 2016/679 of 27 April 2016
 - “**the GDPR**”
- Directive (EU) 2016/680 of 27 April 2016 (police – justice directive)

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