

INTRODUCTION OF THE DATA PROTECTION  
REFORM TO THE JUDICIAL SYSTEM  
**INFORM** 

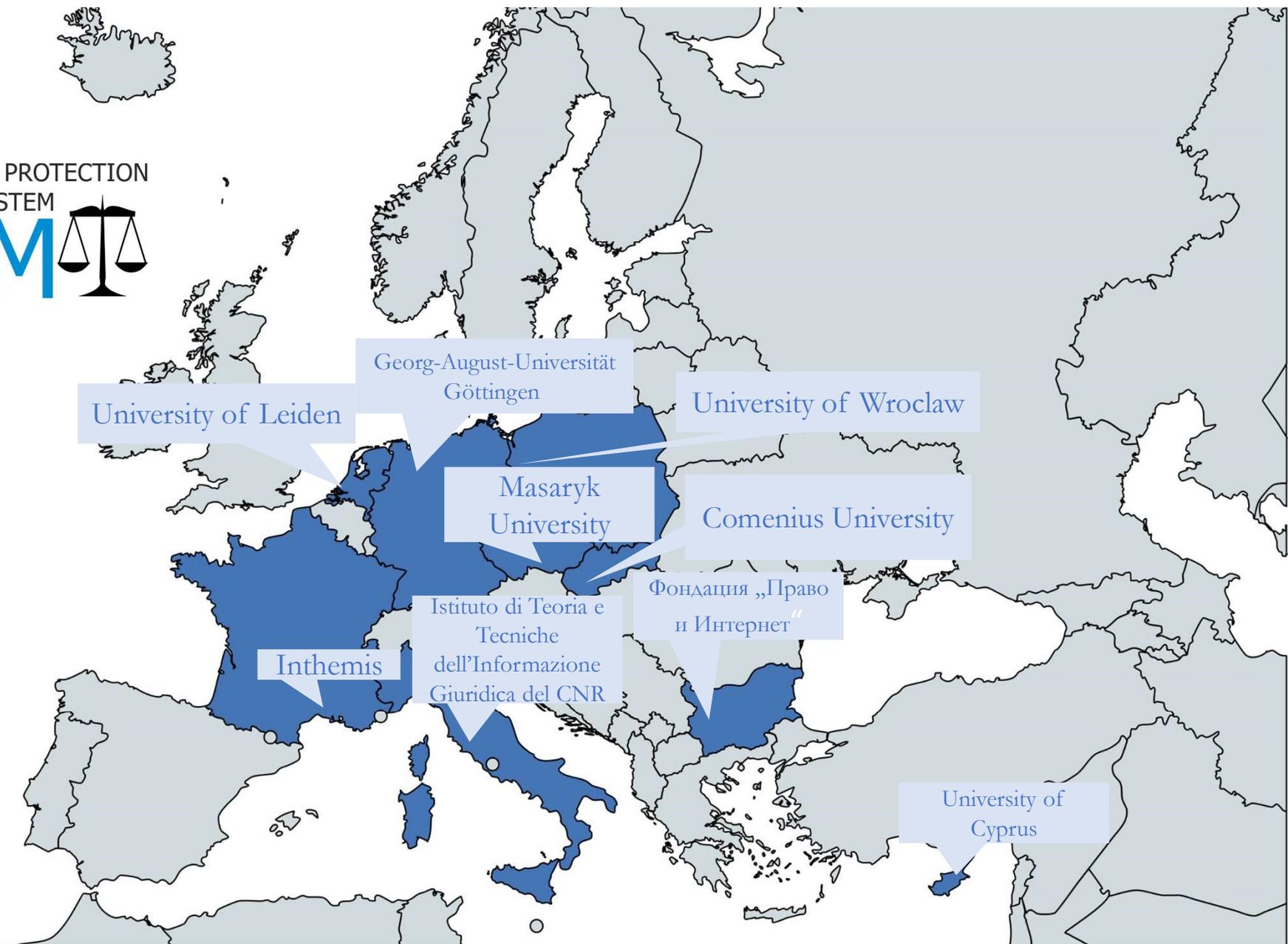
# INFORM Project

INtroduction of the data protection  
reFORM to the judicial system

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(ITTIG-CNR)

INTRODUCTION OF THE DATA PROTECTION  
REFORM TO THE JUDICIAL SYSTEM

# INFORM



## Obiettivi

- Maggiore consapevolezza sulla riforma in tema di protezione dei dati
- Applicazione efficace e coerente della GDPR
- Migliore comprensione e applicazione pratica della Direttiva 2016/680
- Migliore conoscenza dei gruppi destinatari attraverso l'elaborazione di specifici materiali e metodologie di formazione
- Rafforzamento in tema di protezione dei diritti degli interessati



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## A chi è rivolto

- **Magistrati**

Giudici e pubblici ministeri; autorità competenti per la prevenzione, indagine, accertamento o perseguimento di reati

- **Professionisti**

Avvocati, notai, mediatori...

- **Staff delle corti**

Funzionari giudiziari, cancellieri...



# I risultati (1)

- Review report del Regolamento UE 2016/679 in riferimento a
  - Magistrati
  - Professionisti
  - Staff delle corti
  
- Review report della Direttiva UE 2016/680 in riferimento a:
  - Magistrati
  - Professionisti
  - Staff delle corti
  
- Analisi comparativa delle due disposizioni
  
- Linee guida per ogni categoria di interessati

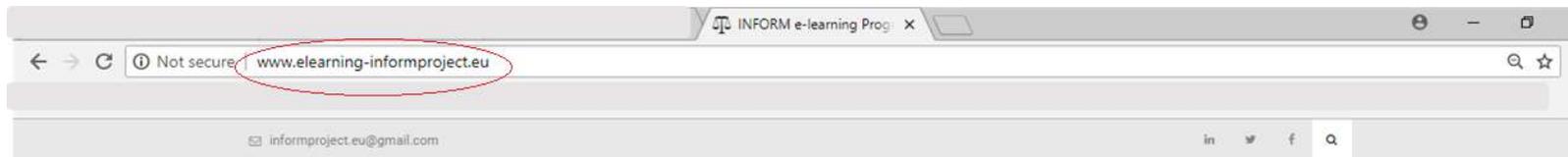


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- Modulo 1 – Prepararsi alla riforma
- Modulo 2 – Ambito di applicazione
- Modulo 3 – Dati personali e altri concetti chiave
- Modulo 4 – I principi base sul trattamento dei dati
- Modulo 5 – Correttezza del trattamento
- Modulo 6 – Diritti degli interessati
- Modulo 7 – Diritti e obblighi del titolare del trattamento
- Modulo 8 – Paesi terzi, trasferimento di dati personali e ricorsi

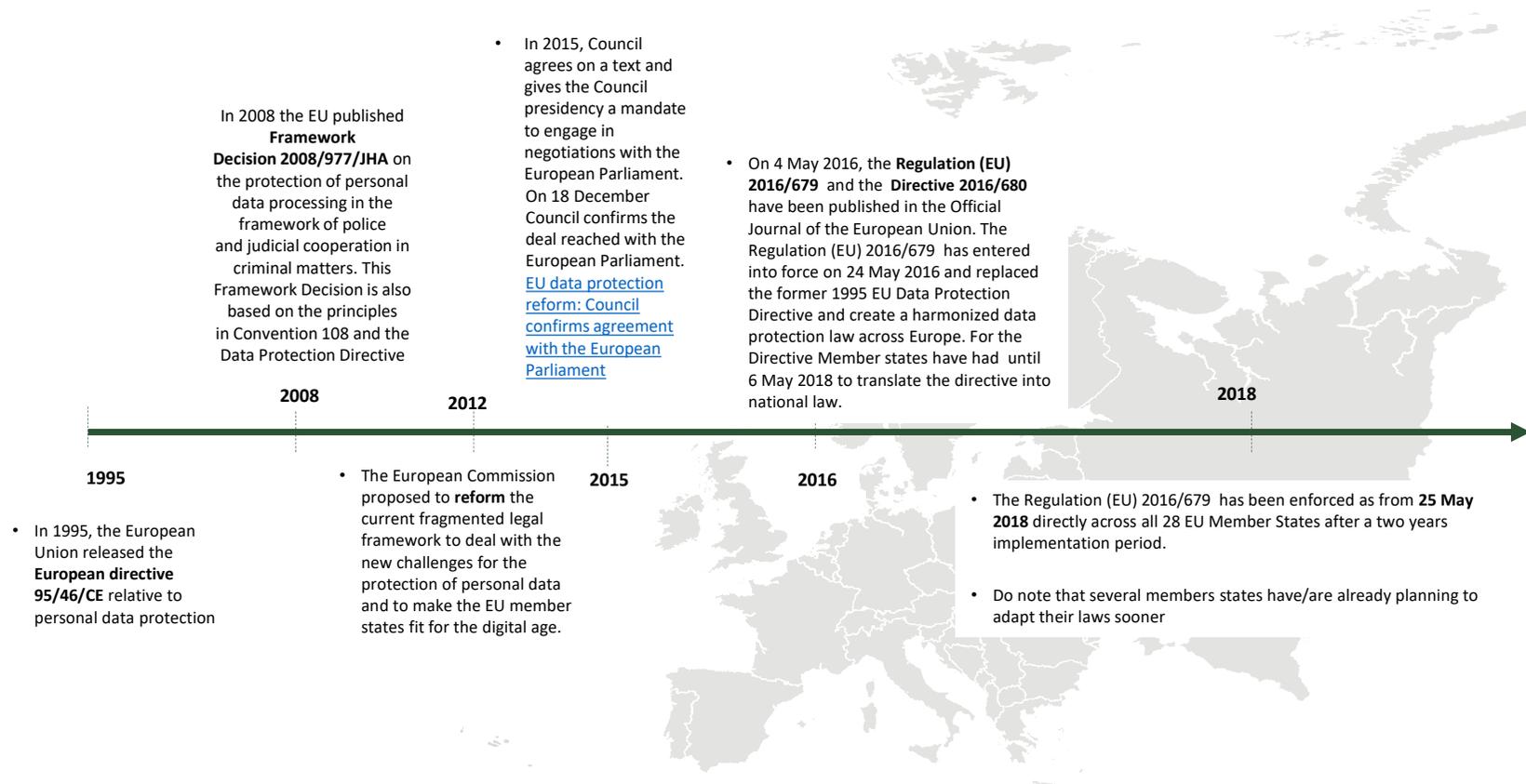
## Struttura moduli

### Struttura Moduli

- Obiettivi
- Contenuto
- Letture e giurisprudenza
- Test di valutazione



# Modulo 1 – Prepararsi alla riforma



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# Modulo 4 - I principi base sul trattamento dei dati

Principi	Regolamento 2016/679	Direttiva 2016/680
Liceità	Art. 5 comma 1 let. a	Art. 4 comma 1 let. a
Correttezza	Art. 5 comma 1 let. a	Art. 4 comma 1 let. a
Trasparenza	Art. 5 comma 1 et. a	Considerando 26
Limitazione della finalità	Art. 5 comma 1 let. b	Art. 4 comma 1 let. B
Minimizzazione dei dati	Art. 5 comma 1 let. c	Art. 4 comma let. c
Esattezza	Art. 5 comma 1 let. d	Art. 4 comma 1 let. d
Limitazione della conservazione	Art. 5 comma 1 let. e	Art. 4 comma 1 let. e
Integrità e riservatezza	Art. 5 comma 1 let. f	Art. 4 comma 1 let. f
Responsabilizzazione	Art. 5 comma 1	Art. 4 comma 4



## Bibliografia

- Voigt, Paul; von dem Bussche, Axel. The EU General Data Protection Regulation (GDPR): A Practical Guide. Cham : Springer International Publishing, 2017, pp. 9-29
- Rücker/Kugler – New European General Data Protection Regulation – A Practitioner’s Guide, C.H.Beck/Hart/Nomos, 2017
- European Union Agency for Fundamental Rights; Council of Europe. [Handbook on European data protection law - 2018 edition](#)
- Article 29 Data Protection Working Party (2014) [Opinion 1/2010 on the concepts of ‘controller’ and ‘processor’](#) WP 169
- Article 29 Data Protection Working Party (2007) [Opinion 4/2007 on the concept of personal data](#), WP 136

## Giurisprudenza

- Fonte: Corte di Giustizia dell'Unione Europea

Judgment of the European Court of Justice (Second Section) of 6 November 2003 (C-101/2001, Lindqvist case): list of various persons identified on an internet page by name or by giving their telephone number or information related to their social or working conditions

Judgment of the European Court of Justice of 19 October 2016 (C-582/14, Breyer case): dynamic IP address

- Fonte: Corte Europea dei Diritti dell'Uomo, Press Unit, Factsheet- Personal data protection. April 2018: [https://www.echr.coe.int/Documents/FS\\_Data\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Data_ENG.pdf)
  - Raccolta di dati relative alle impronte digitali:  
Eur. Court of HR, M.K. v. France, judgment of 18 April 2013, application no. 19522/09  
<http://hudoc.echr.coe.int/eng#%7B%22ecli%22:%5B%22ECLI:CE:ECHR:2013:0418JUD001952209%22%7D>
  - Raccolta di dati relativi alla salute:  
Eur. Court of HR, L.H. v Latvia, judgment of 29 April 2014, application no. 52019/07;  
<http://hudoc.echr.coe.int/eng#%7B%22ecli%22:%5B%22ECLI:CE:ECHR:2014:0429JUD00107%22%7D>



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# Test di valutazione

Which are of the six legal grounds in Art. 6 of the GDPR the two main ones that are appropriate to base processing operations performed by the judiciary? (More than one choice is possible).

- the consent of the data subject
- the performance of a contract
- compliance with a legal obligation to which the controller is subject
- the protection of the vital interests of the data subject or of another natural person;
- the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- the legitimate interests pursued by the controller or by a third party

Where does the Directive provide specifically for the only one legal ground for processing personal data?

- Art. 6
- Art 9
- Art. 8



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