

L. Mitrou, Associate Professor - Department of Information and Communication Systems Engineering - University of the Aegean -

M. Karyda, Assistant Professor - Department of Information and Communication Systems Engineering - University of the Aegean

EU's Data Protection Reform: A legal response to a technological challenge?

Since the adoption of the European Data Protection Directive in 1995 we have experienced dramatic technological changes. Technological and social phenomena like cloud computing, behavioural advertising, online social networks as well as globalisation (of data flows) have profoundly transformed the way in which personal data are processed and used. The Data Protection Directive required at least "some maintenance", if only because of the fact that it was conceived and adopted before the explosion of the Internet and the impacts of the explosion on economy, society and everyday life. Personal information may be stored virtually forever. The persistency of information entails that it can last longer and be dispersed wider than the circle in which its processing was legitimate. In connection with the wide availability this persistency undermines core principles of data protection such as the purpose limitation and proportionality principles as well as fundamental rights of individuals, like the right to oblivion.

This paper addresses the question if the Draft- Regulation presents an adequate and efficient response to the challenges that technological changes pose to regulators. We discuss the efficiency of the legislation in force and the impact of PETs and the concept of privacy by design on the enforcement of data protection rules. Our paper deals with the technological solutions which the proposed regulation requires in order to guarantee the right to data protection. In this context we focus on the right to be forgotten as a comprehensive set of existing and new rules to better cope with privacy risks online in the age of "perfect remembering" and we examine the technical prerequisites and/or requirements to achieve this goal .