

## **Decoding the Web of Data Protection Compliance**

*Sylvia Papadopoulos*

*Snr Lecturer*

*Department Mercantile Law*

*University of Pretoria*

Worldwide privacy is becoming the most pervasive issue on the Internet. Privacy and personal data protection are under challenge in the digital era, due in particular to the universal proliferation of internet-based communications, which are notoriously difficult to police; the rise of data-hungry applications like search engines, targeted advertising platforms or social networks; and the use of various methods of online surveillance by both private and governmental entities. The seemingly borderless nature of digital technology leads to a complicated set of normative and policy questions. These queries relate to the adequate scope of substantive balancing between the individual interest in privacy and the potential interest of other private users, commercial entities, and governments in data disclosure, but also to questions of jurisdiction and governance. The dilemma is thus not only one of *how* (or *how far*) should privacy and personal data be protected, but also one of *who* should be in charge of establishing and enforcing the legal norms.

This paper seeks to sketch a broad overview of the tsunami of data protection compliance facing businesses through data protection legislation (and amendment); corporate governance frameworks and the courts in two seminal decisions issued by the Court of Justice of the European Union: the 2014 case of *Google Spain SL v. González* and the 2015 case of *Schrems v. Data Protection Commissioner (Ireland)*.