

# Chapter 12

## Data Privacy Case Studies in the European Union

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### **ABSTRACT**

*The General Data Protection Regulation (GDPR) protects the citizens of the European Union against illicit use of their personal data, and since data can traverse continents in mere seconds, implications for this law are worldwide. Today's collection, storage, transport, and other tasks related to data are accomplished by a wide variety of technological means. However, companies are not always following the many mandates of the GDPR. Specific cases involving various technologies offer an opportunity to understand and discuss further the ethical use of personal information as well as the ramifications of disobeying the law.*

### **INTRODUCTION**

On May 25, 2018, the European Union issued the General Data Protection Regulation (GDPR), a sweeping set of rules meant to ensure data about every EU individual is secure. In a general sense, this includes data collection, storage, and sharing, but there are more details worthy of exploration. Since data can be transferred electronically anywhere in the world, people and companies in countries outside the EU can be affected by the GDPR, and other governments may be interested in adopting similar guidelines. A brief review of the Regulation's main requirements through its list of principles, plus exploration into encryption and various roles provides a background for individual cases involving a variety of technologies. Each scenario helps to understand application of the technologies, the ethical concerns,

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and situation results in relation to the GDPR, thereby providing fodder for discussion and critical thinking in the classroom and workplace.

## LITERATURE REVIEW: EU AND GDPR

The European Union began in 1957 as the European Economic Community, and is now a partnership of 27 countries, encompassing 447 million people and at least two dozen different languages (“What is the European Union,” n.d.). Current members are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

The GPDR came about in 2018. Among the main tenets are protecting data from theft, changes, deletion, or other compromises, the need to use encryption, and individual rights such as the right of access, driven by consent (Krasteva, 2024). The right for data to be forgotten, also called the right to erasure, is also required, whether or not the data can still be personally identifiable (Hutt et al., 2023). This is not a new concept; Warren and Brandeis (1890) wrote about the “right to be let alone” as called by a Judge Cooley in an 1879 tort. Intrusions listed in the article include photographs, newspaper articles, and “mechanical devices” plus the understanding that information can be tangible or intangible (Warren & Brandeis, 1890, p. 195). Herath et al. (2023) fittingly assert today’s needs have evolved to include “the intersection of human rights, law, cybersecurity, data privacy, and geopolitics” (pp. 6-7).

Notably, the GDPR is all-encompassing, as it applies to all EU individuals’ personal data, regardless of the kind of industry or the technology used to process it (Akhlaghpour et al., 2021). Penalties may be levied when rules are broken; organizations can be fined up to €20 million or forfeit up to 4% of annual sales depending on the offense (Krasteva, 2024). The Regulation itself is 88 pages long and was written in 2016 (Regulation 2016/679).

### Principles

There are seven principles of the GDPR, which are outlined in Article 5 and provide answers to many of the questions the law may prompt. The wording is as follows:

1. Personal data shall be:
  - (a) processed lawfully, fairly and in a transparent manner in relation to the data subject (**‘lawfulness, fairness and transparency’**);

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