


Chapter 2


Safeguarding Human Rights in the Digital Era: Legal and Ethical Perspectives on Data Protection and User Rights

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ABSTRACT

In the digital era, the intersection of technology and human rights has become increasingly complex, necessitating a thorough examination of data protection and digital users' rights. This chapter comprehensively analyses fundamental human rights related to digital technologies, focusing on privacy, equality, the right to information and freedom to conduct a business. A critical overview of the EU legal framework governing data protection and digital user rights is presented, elucidating the evolving landscape of regulations to safeguard individuals in the digital domain. Through detailed case studies, the chapter illustrates exemplary practices that have posed significant challenges from a human rights perspective. By integrating legal analysis and practical examples, this chapter aims to provide readers with a nuanced understanding of the dynamic interplay between data protection, digital users' rights, and human rights in the contemporary digital landscape.

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INTRODUCTION

The European Union (EU) can be defined as a community of values and law, as enshrined in the primary law of the EU. Its political and simultaneously legal orientation is, in simplified terms, implemented within the EU through two fundamental mechanisms: the system of fundamental rights and the internal market.

The Treaty on European Union (TEU), from its very opening provisions, emphasises that the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. (TEU, 2012, Article 2) These fundamental values must be recognised as the core of the European legal order.

Furthermore, these values are expressed as more concrete objectives of the EU, such as the establishment of an area of freedom, security and justice, the promotion of sustainable economic development, the assurance of social justice, equality and solidarity, the protection of the environment and cultural diversity, and the promotion of European values and human rights also on a global scale (TEU, 2012, Article 3).

The EU protects fundamental rights based on the Charter of Fundamental Rights of the European Union (CFREU), the EU's accession to the European Convention on Human Rights (ECHR), and the common constitutional traditions of the Member States (TEU, 2012, Article 6).

Another foundational pillar of the EU is the development and existence of the internal market, which remains one of the EU's principal tasks. Its development has progressed gradually, and today the internal market represents one of the most significant and recognisable achievements of European integration (Trstenjak & Brkan, 2012, p. 365).

The free movement of goods, persons, services, and capital, commonly referred to as the four fundamental freedoms, forms the backbone of the internal market and constitutes a cornerstone of EU law. However, with the advancement of the information society and modern technologies, it has become increasingly evident that the effective functioning of the internal market must be aligned with the protection of fundamental rights.

This interaction between economic freedoms and the protection of fundamental rights gains particular importance in the context of digital transformation. Digitalisation represents far more than a technical advancement; it brings about structural transformations that permeate all dimensions of modern society, including economic relations, governance models and fundamental rights. These changes inevitably require coherent and forward-looking legal frameworks capable of responding to the complexity of the digital environment. In response to these challenges, the EU has progressively adopted a series of strategic and regulatory measures that aim to shape digital transformation consistent with the Union's values and legal order.

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