

# FTC's Behavioral Advertising Town Hall on November 1 and 2, 2007

## Panel: The Regulatory and Self-Regulatory Landscape

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# DATA PROTECTION

By Mr Reijo Aarnio



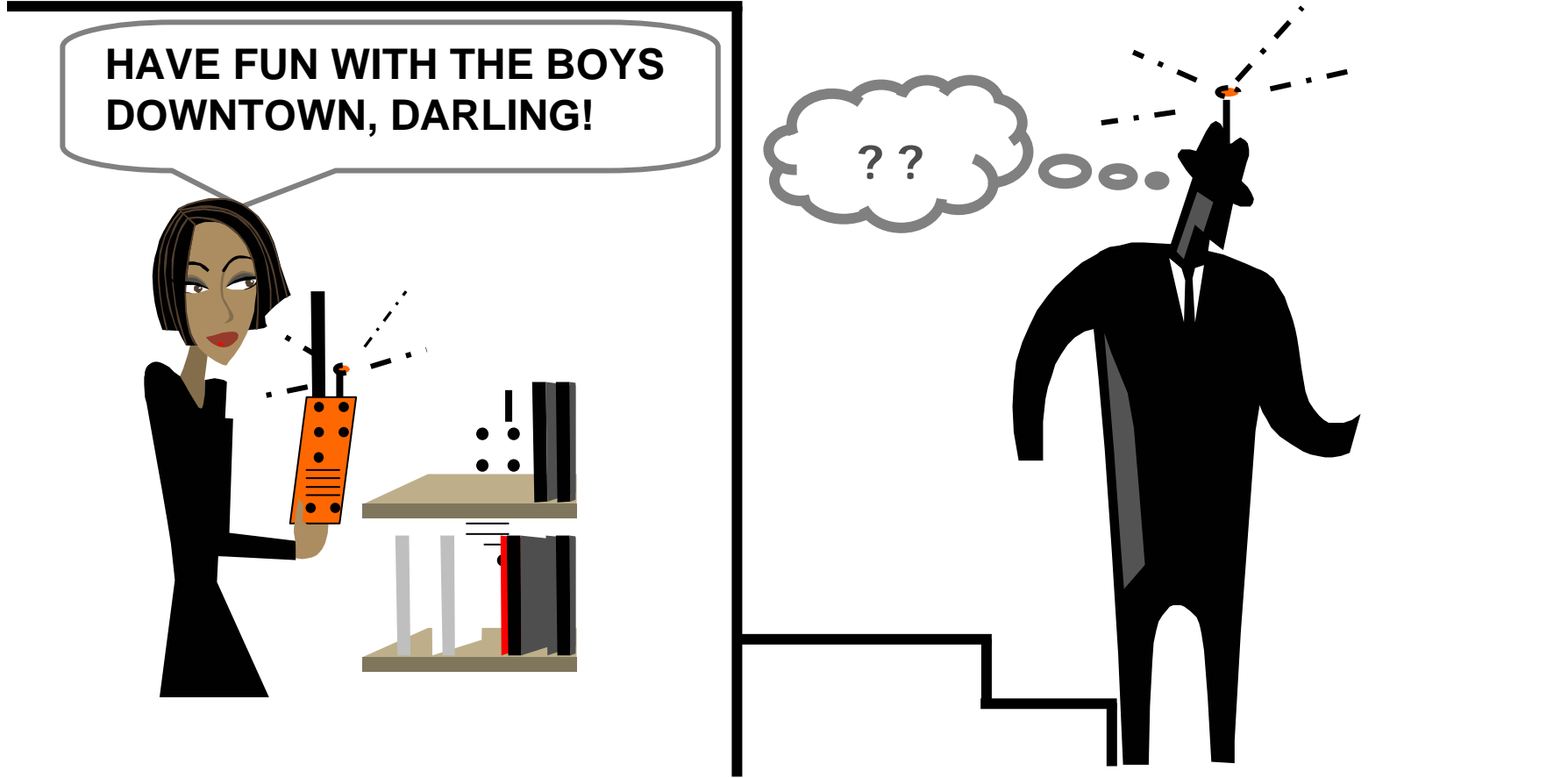
Data Protection Ombudsman, Finland

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# The Basic Question

Legal dispute

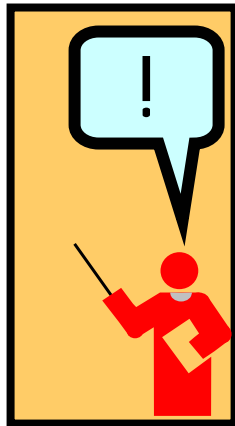


# What does “data protection” mean?

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- ▶ **the right to control and decide how (autonomy)**
- ▶ **the right to know how**
- ▶ **the right to live your life without undue interference (confidentiality in all communications, regulated by law)**
- ▶ **the right to be evaluated on the basis of correct and relevant information**
- ▶ **the right to know what criteria automatic decision-making systems are based on**
- ▶ **the right to trust data security = secures other rights**
- ▶ **the right to receive assistance from independent authorities**
- ▶ **the right to be treated in accordance with all other basic rights (democracy)**



# Why all these rights?

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**We need these rights so that:**

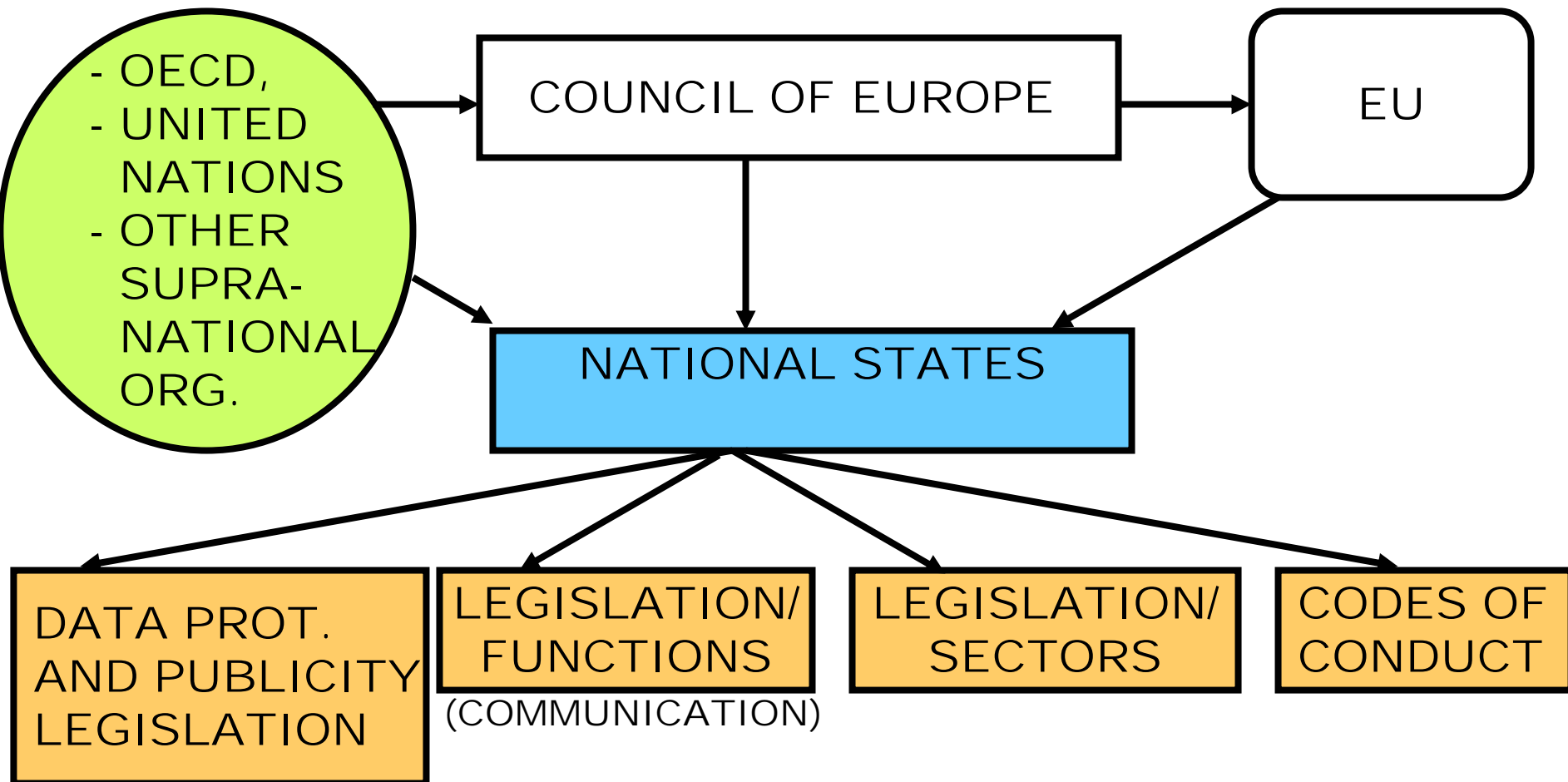
- ▶ **our human dignity is respected**
- ▶ **our autonomy is respected**
- ▶ **our honour is respected**
- ▶ **we will not be discriminated against**
- ▶ **our equality as citizens is secured.**



# Framework for the regulation (information society)

## GLOBAL ENVIRONMENT AND NATIONAL STATES

### ▶ DIRECT AND INDIRECT IMPACTS



European Human Rights Convention, Article 8  
 Treaty on EU, Article 8  
 Data Protection Directive 95/46/EC  
 Privacy in Electronic Communications 2002/58/EC  
 other directives  
 national legislation



data protection legislation has expanded and the rights of data subjects have improved over the past few decades. The figure describes the umbrella of data protection, although not exhaustively.



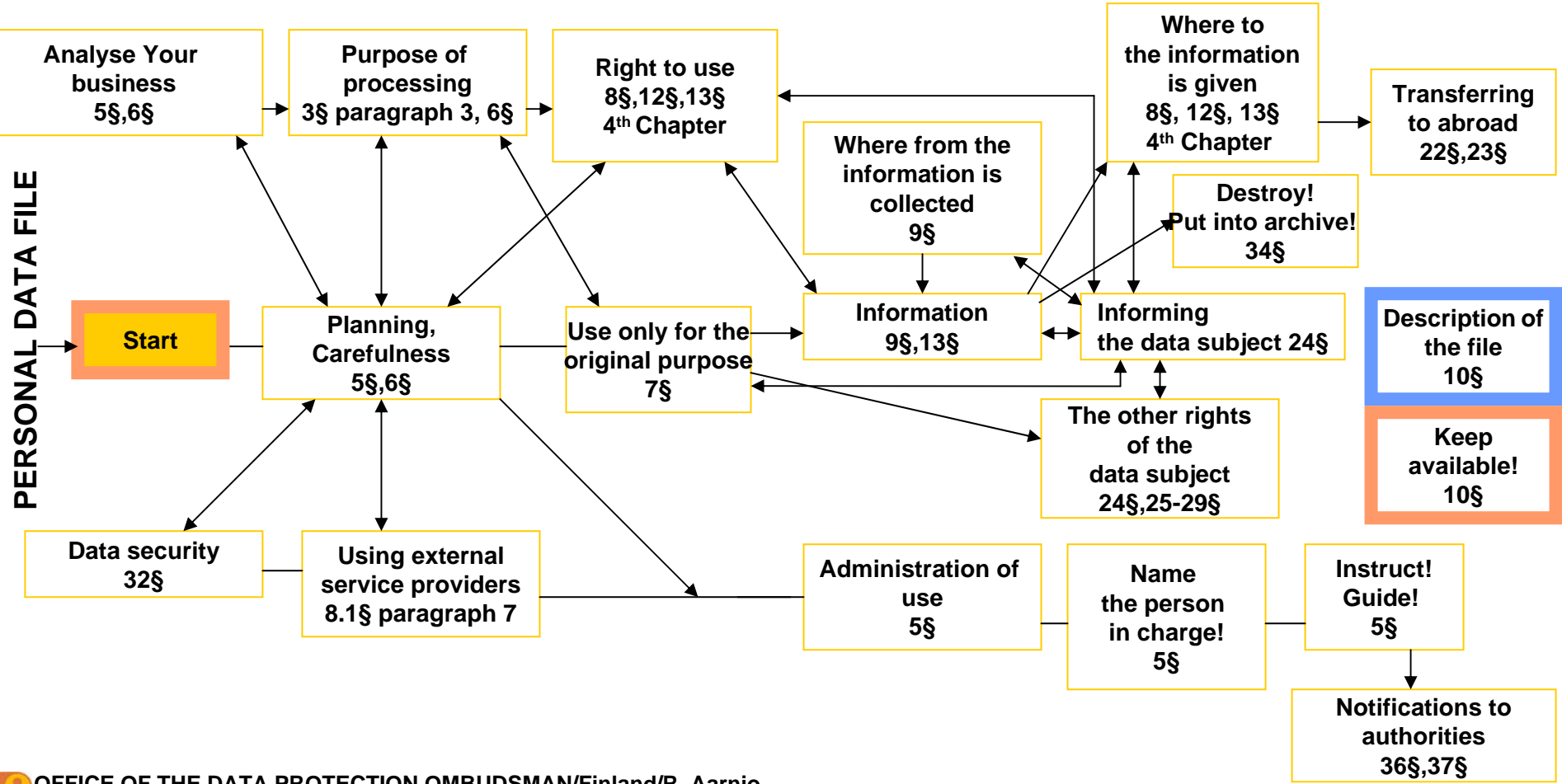
CoE  
 Schengen  
 Europol  
 Eurodac  
 CIS  
 Recom 87(15)



- LISBON TREATY
- FRAMEWORK DECISION

# PERSONAL DATA ACT

## Description of the processing of personal data and the evaluation of lawfulness



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THANK YOU FOR LISTENING!

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