When is GDPR applicable?

Article 2 - Material scope

1. This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.
When is GDPR applicable?

Article 3 - Territorial scope

1. This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, regardless of whether the processing takes place in the Union or not.
Personal Data?

‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

Article 4, General Data Protection Regulation (2016/679)
How is GDPR to be applied?

Article 5 - Principles relating to processing of personal data
(a) lawfulness, fairness and transparency;
(b) purpose limitation;
(c) data minimisation;
(d) accuracy;
(e) storage limitation;
(f) integrity and confidentiality.
How is GDPR to be applied?

Article 6 - Lawfulness of processing

• processing is necessary
  – for the performance of a contract…;
  – for compliance with a legal obligation …;
  – for the performance of a task carried out in the public interest …;

• Special rules for special categories of personal data
Some concluding reflexions

- Personal Data – Personuppgifter – have had some protection in Sweden since (at least) 1973… (Datalagen, SFS 1973:289)
- Personal Data Directive 95/46/EG - Personuppgiftslagen (SFS 1998:204) - (and almost 60 cases from the ECJ)
- GDPR is a natural continuation – primarily a confirmation of already existing practice
The Data Protection Reform - Why?

– The Society (and EU!) has transformed since 1995…


– Some ground-braking cases from the ECJ; Digital Rights Ireland; C 293-12 and C 594-12, 8 April 2014, Google Spain; C 131-12, 13 May 2014 and Maximillian Schrems; C 362-14, 6 October 2015
After all, some novelties…

– New administrative routines
– Clarifications as regards actions that may be initiated by the data subject
– More (much) noticeable sanctions
Use common sense!

Be attentive and adopt a reflective approach to processing/collecting
Thanks for the attention!