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On the Borderline: "Personal" and "Non-personal" Data at Both EU Regulations

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Abstract:

As "The principles of data protection should -- not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable" (Recital 26 of GDPR), and "The expanding Internet of Things, artificial intelligence and machine learning, represent major sources of non-personal data -- [therefore,] If technological developments make it possible to turn anonymised data into personal data, such data are to be treated as personal data, and Regulation (EU) 2016/679 is to apply accordingly" (Recital 9 of Regulation (EU) 2018/1807), the border between personal and non-personal is mobile, depending on the evolution of technology. This presentation deals with the legal consequences of this assumption.