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EU Personal Data Protection in Policy and Practice

Bart Custers
Alan M. Sears
Francien Dechesne
Irina Georgieva
Tommaso Tani
Simone van der Hof

*Foreword by Kenneth A. Bamberger and
Deirdre K. Mulligan*



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Bart Custers · Alan M. Sears
Francien Dechesne · Ilina Georgieva
Tommaso Tani · Simone van der Hof

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Bart Custers
Leiden Law School, eLaw
(Center for Law and Digital Technologies)
Leiden University
Leiden, The Netherlands

Iliana Georgieva
Leiden Law School, eLaw
(Center for Law and Digital Technologies)
Leiden University
Leiden, The Netherlands

Alan M. Sears
Leiden Law School, eLaw
(Center for Law and Digital Technologies)
Leiden University
Leiden, The Netherlands

Tommaso Tani
Leiden Law School, eLaw
(Center for Law and Digital Technologies)
Leiden University
Leiden, The Netherlands

Francien Dechesne
Leiden Law School, eLaw
(Center for Law and Digital Technologies)
Leiden University
Leiden, The Netherlands

Simone van der Hof
Leiden Law School, eLaw
(Center for Law and Digital Technologies)
Leiden University
Leiden, The Netherlands

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Editorial Office

T.M.C. Asser Press
P.O. Box 30461
2500 GL The Hague
The Netherlands
Tel.: +31-70-3420310
e-mail: press@asser.nl

Simone van der Hof, *Editor-in-Chief*
Leiden University, eLaw (Center for Law and Digital Technologies)
The Netherlands

Bibi van den Berg
Leiden University, Institute for Security and Global Affairs (ISGA)
The Netherlands

Gloria González Fuster
Vrije Universiteit Brussel (VUB), Law, Science,
Technology & Society Studies (LSTS)
Belgium

Eleni Kosta
Tilburg University, Tilburg Institute for Law, Technology and Society (TILT)
The Netherlands

Eva Lievens
Ghent University, Faculty of Law, Law & Technology
Belgium

Bendert Zevenbergen
Princeton University, Center for Information Technology Policy
USA

Foreword

When we wrote *Privacy on the Ground* several years ago, we did so with the aim of painting a picture of how people charged with protecting privacy and personal data actually do their work and what kinds of regulation, as well as other internal and external forces, effectively shape their behaviour. We compared five countries and discovered that countries with more ambiguous legislation—Germany and the USA—had the strongest privacy management practices, despite very different cultural and legal environments. They embedded privacy into business and risk management practices and built privacy into products, not just into legal texts. The more rule-bound countries—like France and Spain—trended instead towards compliance processes, not embedded privacy practices. Comparing privacy and personal data protection in practice thus revealed best practices, provided guidance to policymakers, and offered important lessons for everyone concerned with privacy and personal data protection.

In many ways, *EU Personal Data Protection in Policy and Practice* is a continuation of our work, as it examines the practical implementation of privacy and data protection practices on the ground. While the countries analysed differ from those that we examined, the findings in this book confirm our previous results regarding the overlapping countries (the UK, Germany and France). Additionally, this book examines several additional countries in Europe such as Ireland, Sweden, Romania, Italy and the Netherlands, enriching our previous results with insights from more countries. Altogether, this provides an interesting cross section of countries from several regions in Europe with differing legal systems, economies and cultural backgrounds, resulting in different approaches towards privacy and personal data protection.

EU Personal Data Protection in Policy and Practice is based on a myriad of sources, including consultations with representatives from data protection authorities, civil society and academics that specialize in data protection. Not only are the legal bases for privacy and personal data protection examined in this book, but also the practical implementation of the laws, the enforcement by data protection authorities, the attitudes of the public in response to regulation and the effectiveness of the protection the legislators envisioned. While the approach is distinct from the

in-depth qualitative approach we chose, the combined methods used provide a comprehensive overview of data protection frameworks across the European Union.

This book provides an interesting snapshot of these privacy and personal data protection frameworks and their practical implementation under the EU Data Protection Directive (DPD), with references to the EU General Data Protection Regulation (GDPR), which entered into force in May 2018. As such, *EU Personal Data Protection in Policy and Practice* is a vital resource and an interesting point of comparison for further research and study into the development and implementation of data protection laws and regulations on the ground under the GDPR, especially in Europe, as well as further abroad.

Berkeley, USA

Kenneth A. Bamberger
Berkeley Center for Law and Technology
University of California, Berkeley

Deirdre K. Mulligan
Berkeley Center for Law and Technology
University of California, Berkeley

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Bart Custers · Alan M. Sears · Francien Dechesne · Iliana Georgieva · Tommaso Tani · Simone van der Hof

EU Personal Data Protection in Policy and Practice

In this book, the protection of personal data is compared for eight EU member states, namely France, Germany, the United Kingdom, Ireland, Romania, Italy, Sweden and the Netherlands. The comparison of the countries is focused on government policies for the protection of personal data, the applicable laws and regulations, implementation of those laws and regulations, and supervision and enforcement.

Although the General Data Protection Regulation (GDPR) harmonizes the protection of personal data across the EU as of May 2018, its open norms in combination with cultural differences between countries result in differences in the practical implementation, interpretation and enforcement of personal data protection.

With its focus on data protection law in practice, this book provides indepth insights into how different countries deal with data protection issues. The knowledge and best practices from these countries provide highly relevant material for legal professionals, data protection officers, policymakers, data protection authorities and academics across Europe.

Bart Custers is Associate Professor and Director of Research at the Center for Law and Digital Technologies of the Leiden Law School at Leiden University, the Netherlands. **Alan M. Sears**, **Francien Dechesne**, **Iliana Georgieva** and **Tommaso Tani** are all affiliated to that same organization, of which Professor **Simone van der Hof** is the General Director.

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