

Data Protection Law (B001578)

Course size (nominal values; actual values may depend on programme)

Credits 4.0 Study time 120 h Contact hrs 30.0 h

Course offerings and teaching methods in academic year 2018-2019

A (semester 2)	Dutch	lecture	20.0 h
		self-reliant study activities	5.0 h
		guided self-study	5.0 h

Lecturers in academic year 2018-2019

Vermeulen, Gert	RE23	lecturer-in-charge
Debeuckelaere, Willem	RE23	co-lecturer
Lievens, Eva	RE21	co-lecturer

Offered in the following programmes in 2018-2019

	crdts	offering
Master of Science in Criminological Sciences	4	A
Master of Laws in Laws	4	A

Teaching languages

Dutch

Keywords

Data protection, privacy, personal data, processing, controller, processor, data protection authority, data protection officer, data protection impact assessment, General Data Protection Regulation (GDPR), Law Enforcement Data Protection Directive, e-Privacy Regulation, electronic communication, pseudonymisation, right to be forgotten, profiling

Position of the course

The aim of the course is to gain an adequate and clinical legal understanding of and insight into European and Belgian data protection law following the entry into force of the General Data Protection Regulation (GDPR), Directive 2016/680 (Law Enforcement Data Protection Directive), the e-Privacy Regulation and the adapted Belgian legal instrumentarium (Wet tot oprichting van de Gegevensbeschermingsautoriteit, Wet betreffende de bescherming van natuurlijke personen met betrekking tot de verwerking van persoonsgegevens, Wet tot oprichting van het informatieveiligheidscomité), and the legal and societal impact thereof in various legal domains.

Contents

- Various legal data protection levels (UN, Council of Europe, EU, Belgium, Flanders)
- Principles relating to processing of personal data, lawfulness of processing, conditions for consent
- Processing of special categories of personal data (race or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health, sex life or sexual orientation)
- Rights of the data subject (transparent information, access, rectification, erasure (right to be forgotten), restriction, portability, objection)
- Big data, automated individual decision-making (including profiling)
- Data controller and processor, data protection officer (appointment, position, tasks)
- Data protection by design and by default, Information Security Committee ('Informatieveiligheidscomité'), record of processing activities, information security, security of processing, notification of a personal data breach, data privacy impact assessment, codes of conduct and certification
- Transfer of personal data to third countries or international organisations (adequacy,

- appropriate safeguards, binding corporate rules)
- Jurisdiction, lead supervisory authority, consistency mechanism, European Data Protection Board
- Complaints, control, inspection, inspection service
- Legal remedies, compensation, administrative fines, penalties, dispute chamber ('geschillenkamer')
- Archiving, scientific or historical research, statistics, journalism
- Data protection law in various sectors and domains:
- Criminal law, police, justice, convictions in criminal matters
- Social law, privacy in labour relations, data warehouse for data matching en data mining
- Fiscal law, taxation, fiscal data exchange, fiscal fraud, FATCA, OECD Common Reporting Standard
- Economic law, companies, direct marketing, consumer protection, electronic communication, metadata
- Population, asylum, migration, national registration number, PNR
- Procedural and civil law, seizure, execution, notaries
- Medical law, biomedical data, e-health.
- Case-law of the CJEU, the ECtHR and the Belgian courts relating to data protection issues

Initial competences

No particular substantive initial competences are required, other than those of a Bachelor in Law or a Bachelor in Criminology. The student is able to independently read and analyse learning materials in English and French

Final competences

- 1 Identify, understand and interpret relevant legal principles, instruments and case-law with regard to data protection
- 2 Develop and articulate a critical and argued opinion on various legal dimensions and aspects of data protection
- 3 Independently consult, analyse and critically and scientifically assess sources and (scientific) literature concerning data protection law-related questions
- 4 Write a clear report on the results of (own) scientific research and/or personal views
- 5 Develop a life-long learning attitude with regard to issues related to data protection law, by identifying, interpreting and reflecting on actual developments

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Guided self-study, lecture, self-reliant study activities

Extra information on the teaching methods

- **Lecture:** The teaching method is a mix of lectures, clinical lecture and response lectures response colleges
- **Guided self-study:** A reader is made available to students (online), and they are expected to prepare for (the) lectures and/or to consolidate them (by broadening and deepening their knowledge and understanding) by exploring the corresponding, suggested learning materials. The learning materials concerned are explicitly framed during the lectures.
- **Independent work:** Students are to independently analyse a relevant (practice-based) question and to provide a legal-scientific and critical answer to it in a written assignment

Learning materials and price

A reader with relevant literature, legislation, case law and policy documents will be made available on the electronic learning platform

References

- Included in learning material
- Possible supplementary references to the teaching material will be distributed during the lectures and via Minerva.

Course content-related study coaching

The lecturers are available for questions and feedback, in person, via e-mail and via the electronic learning platform

Evaluation methods

end-of-term evaluation and continuous assessment

Examination methods in case of periodic evaluation during the first examination period

Written examination

Examination methods in case of periodic evaluation during the second examination period

Written examination

Examination methods in case of permanent evaluation

Assignment

Possibilities of retake in case of permanent evaluation

examination during the second examination period is possible

Extra information on the examination methods

- **Periodic evaluation:** written exam with short-answer questions and open questions, based on the learning materials and the lectures. Open questions envisage testing students' understanding and analytical and interpretational skills regarding the fundamentals, mechanisms, challenges, and the legal and societal impact of European and Belgian data protection law..
- **Permanent evaluation:** written assignment, in which students are to independently analyse a relevant (practice-based) question and to provide a legal-scientific and critical answer to it

Calculation of the examination mark

- Periodic evaluation: 75%
- Permanent evaluation: 25%

The student is obliged to participate in all evaluations (both non-periodic and periodic); otherwise, he/she will be declared failed for the course. This means that if the final score is ten or more (out of twenty), this score will be reduced to the highest non-passing grade (7/20).

Facilities for Working Students

Pursuant to the faculty rules on the position of working students, working students are allowed to hand in their assignment solely in an electronic format