

Data Protection and Privacy Rights

HELP
Human Rights Education for Legal Professionals
Council of Europe

Funded
by the European Union
and the Council of Europe



COUNCIL OF EUROPE



Implemented
by the Council of Europe

Data Protection and Privacy Rights HELP ONLINE COURSE

Duration: 12 hours

Available for free on the CoE
HELP e-learning platform

Statement of
Accomplishment

START COURSE 

Council of Europe
Human Rights Education for Legal Professionals (HELP) Programme 2019

Background

People can easily become victims of data protection violations brought on by the widespread use of information and communication technologies by public and private bodies. Web-based activities, direct marketing, and video surveillance account for most violations. Even when remedies exist in civil, criminal and administrative law, enforcement is not always ensured.

The right to privacy and personal data are protected both by the legal instruments developed by the Council of Europe (CoE) and the European Union (EU). Article 8 of the European Convention of Human Rights (ECHR) guarantees the right to respect for private and family life, home and correspondence. The wording of Article 7 of the EU Charter of Fundamental Rights (EU Charter) is almost identical. In addition, the EU Charter explicitly mentions in Article 8 the right to data protection, considering it as a fundamental right in itself.

The two rights –privacy and data protection- are not absolute and may be subject to limitations. Any restrictions with regard to these rights must be made in accordance with the law, pursue legitimate aim(s) and be necessary in a democratic society.

In 2014, a research by the Fundamental Rights Agency (FRA) on access to data protection remedies in the EU concluded that the effectiveness of protection and redress mechanisms was considerably low. To counteract this, the FRA recommended enhanced training of legal professionals in those fields.

The HELP course on Data Protection and Privacy Rights addresses this need and offers a comprehensive curriculum which covers in an interactive way the key concepts, the legal framework of the CoE and the EU (directly applicable at national level), the case law of the European Court of Human Rights (ECtHR) and of the Court of Justice of the European Union (CJEU) and specific areas of data protection. One of the key reference materials to develop this course has been the Handbook on Data Protection developed jointly by the EU FRA and the CoE together with the Registry of the ECtHR.

Existing case law on data protection and privacy rights covers topics such as medical sector, media (traditional and non-traditional), development of new technologies (i.e. GPS, drones, CCTV), e-communication and marketing, and workplace surveillance.

Data Protection and Privacy Right in the European system of human rights protection– overview

Some of the key provisions relevant to Data Protection and Privacy Rights from the EU and the CoE systems are presented below.

CoE system	EU system
ECHR – Article 8	Charter of Fundamental Rights – Articles 7 and 8
Convention 108+	GDPR, Directives
ECtHR jurisprudence	CJEU jurisprudence
Soft law by CoE institutions	Working Party 29 opinions
	European Data Protection Supervisor opinions

About the course

The course has been developed under the EU-funded Programme “HELP in the 28”. It has been updated in 2019.

The course has been developed using the HELP methodology.

Learning objectives

By the end of this course you will be able to:

- ✓ understand the scope of the right to data protection and the right to privacy (differences and similarities) as well as their restrictions
- ✓ understand what legal instruments concerning data protection and the right to privacy are available under the CoE and EU legal systems (including the CoE Convention 108 modernised and the EU General Data Protection Regulation –GDPR)
- ✓ understand the role of European actors (including the ECtHR and the CJEU as well as several bodies which develop soft law)
- ✓ refer to the relevant legal framework in your everyday work, as a legal professional in the EU

To achieve this goal you will have the opportunity:

- ✓ to put into practice the scope of the right to data protection and the right to privacy as defined in the EU Charter, the ECHR and the Council of Europe Convention 108+
- ✓ to learn about case law of the ECtHR and the CJEU
- ✓ to carry out exercises to identify situations of potential violations of the rights to Data Protection and Privacy and interdependencies between the CoE and EU systems of protection

The course is also designed:

✓ to strengthen your individual role as legal professional in human rights protection, as European standards on data protection and privacy rights have to be primarily upheld at national level and only, if relevant, during international litigation

Target audience

This free on-line course is primarily addressed to legal professionals (judges, prosecutors, lawyers or senior court staff) but can be also useful for national data protection authorities and other persons working in the field of data protection and privacy rights.

Course outline

The course consists of 9 substantive modules:

1	Course description and Module 1: Legal Framework
2	Module 2 - Key Concepts and the Scope of Data Protection Law
3	Module 3 - The Key Principles and Rules of European Data Protection Law
4	Module 4 - Privacy Rights and Health Data
5	Module 5 - Privacy, Data protection and media
6	Module 6 - Data protection, Privacy rights and E-Communications
6	Module 7 - Data Protection/Privacy Rights and New Technologies
7	Module 8 - Data protection and privacy rights in the workplace
8	Module 9 - Data subjects' rights and their enforcement
9	Module 10 - International Data Flows

How to access the HELP online course

If you don't have yet a HELP account, you can create one here:
<http://help.elearning.ext.coe.int/login/signup.php>. It only takes 2 minutes.

You can then click here to access the course directly:
<http://help.elearning.ext.coe.int/course/view.php?id=1664>