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Abstract of the doctoral dissertation titled „*Privacy protection through the right to be forgotten and data transfer rights under General Data Protection Regulation - implementation challenges in online-operating software*”

The doctoral dissertation, entitled "*Privacy protection through the right to be forgotten and data transfer rights under General Data Protection Regulation - implementation challenges in online-operating software*" addresses current challenges in applying measures to protect the right to privacy in practice, with a particular focus on the processing of personal data under new technologies in software.

The subject of the dissertation is an assessment of the implementation challenges associated with the GDPR from the perspective of the effective implementation of the right to privacy. The issue of the application of the rules governing the protection of the right to privacy in new technologies is one of the more visible challenges of modern legislation, especially after the introduction of Regulation 2016/679 - Protection of natural persons concerning the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR).

The dissertation describes issues related to understanding the right to privacy and its relationship with protecting personal data. Moreover, the dissertation raises the essence of proportionality and predictability of rights directly derived from the RODO in the context of the responsibility of personal data controllers.

The purpose of the dissertation is to demonstrate the challenges and responsibilities that personal data controllers face, particularly regarding the right to be forgotten, as well as rights arising from the transfer of personal data. Current legislation shifts to personal data controllers a significant burden of responsibility related to the processing of personal data. This burden is disproportionate to the means available to controllers to protect data, especially when it comes to the need to appoint processors, which are often larger business entities that dictate market conditions.

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The dissertation discusses issues related to the interpretation of the right to privacy and its relationship to the protection of personal data. In addition, the dissertation raises the importance of proportionality and predictability of the rights under the GDPR in the context of the responsibility of personal data controllers.

An essential aspect of the dissertation is to point out the obligation of the personal data controller, such as the duty to provide a risk analysis in the case of personal data transfer. In practice, the need to transfer personal data arises from the indispensability of using processors by software providers to achieve efficiency in the production process, which is directly related to the need to transfer personal data. It is practically impossible to assume that the controller will stop using service providers due to the inability to provide an adequate risk analysis. In addition, in terms of small and medium-sized enterprises, the attempt to conduct an effective audit or control of processing at providers such as Google or IBM is realistically limited. Similarly, in the case of exercising the right to be forgotten - the technical aspects remain unclear, and current laws and supporting documents do not offer support for data controllers in this regard.

Another challenge for protecting the right to privacy and rights directly derived under the GDPR is the popularizing technology of artificial intelligence, which significantly impacts how and the scope of personal data processing. The need for alignment of the law with practice and the actual capabilities of administrators makes the application of the law in the expected form challenging to achieve or downright impossible. The situation concerns a discrepancy between the legal regulations and their practical implementation. What's more, the growing tendency for the courts to tighten their interpretation of GDPR is also leading to a widening divide between the actual capabilities of IT service providers and the law. This action calls into question the available options for protecting the right to privacy.

Chapter one of the dissertation directly addresses issues related to the understanding of the right to privacy, including its framing from the perspective of political and legal doctrines. It illustrates the emergence of the right to privacy and its particularization throughout the jurisprudence of the 19th, as well as its growing importance with the increased awareness of personal data processing due to technological developments.

The second chapter describes the rights of the individual arising directly from the GDPR, the overriding purpose of which is to protect the right to privacy. It also refers to the rights directly arising from the GDPR under Articles 5 and 6 of the Regulation. In addition, it relates to the material scope of the application of the RODO with particular attention to the

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issue of the GDPR application outside the EU, which has gained importance due to the Schrems I and II rulings.

The third chapter, which is also the last, refers to the idea of the responsibility of the personal data controller and the challenges involved, in particular, the responsibility for the transfer of personal data and the implementation of the right to be forgotten in light of the increasing standards expected by the CJEU.

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