

DATA PROTECTION WITHIN LAND REGISTRIES

Brussels, 29.01.2016

“They can tap all my telephone calls
(when, why, to whom.)
They have a file on my dreams and plans
and on those who read them.
And who knows when they’ll find
sufficient reasons to dig up the files
that violate my rights.”

Attila Jozsef, hungarian poet, 1935

MILESTONES

data protection required since the use of computers (integrated data management)

1980 - Recommendations of the Council Concerning Guidelines Governing the Protection of Privacy and Trans-Border Flows of Personal Data

1995 - Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

2001 - Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

2002 - Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)

MILESTONES

2008 - COUNCIL FRAMEWORK DECISION 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters

2012 - Commission proposed a comprehensive reform of data protection rules to increase users' control of their data and to cut costs for businesses

2015 -On 15 December, the European Parliament, the Council and the Commission reached agreement on the new data protection rules, establishing a modern and harmonized data protection framework across the EU. The Regulation shall apply 2 years after its formal adoption by the European Parliament and Council.

WHAT'S NEW?

easier access to your own data: individuals will have more information on how their data is processed and this information should be available in a clear and understandable way;

a right to data portability: it will be easier to transfer your personal data between service providers;

a clarified "right to be forgotten": when you no longer want your data to be processed, and provided that there are no legitimate grounds for retaining it, the data will be deleted;

the right to know when your data has been hacked: For example, companies and organizations must notify the national supervisory authority of serious data breaches as soon as possible so that users can take appropriate measures.

Better cooperation between law enforcement authorities

Better protection of citizen's data

DEFINITIONS

Data: information (in an electronic form that can be processed by a computer).

Personal data: any information relating to an identified or identifiable natural person.

Processing of personal data: any operation or set of operations performed upon personal data (collection, recording, consultation, ...).

Data controller: the person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data (e.g. the Land Registry itself, the ministry, ...).

Data subject: the person whose personal data are being processed (e.g. the proprietor, the mortgagor and mortgagee, ... entered in the land register).

PERSONAL DATA USED BY LR

names

PINs

addresses

data “behind the curtain”

other?

LR APPROACH TO PROTECTED DATA

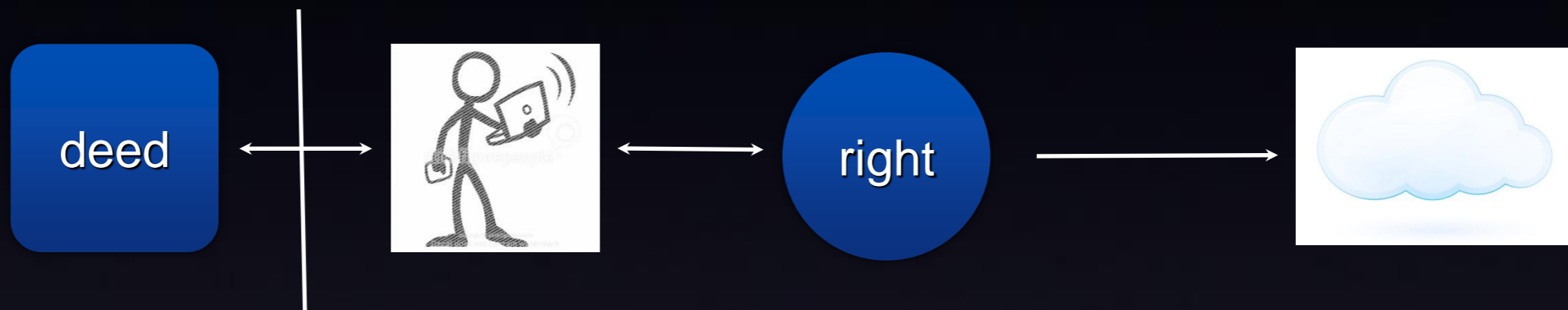
unconditioned access to LR data

any limits?

legitimate interest to access LR data

LR APPROACH TO PROTECTED DATA

principle of publicity - publicity of rights (erga omnes effect)
principle of curtain



QUESTIONS

Is there any "conflict" between LR and data protection?

Public/protected

Shall LR be an exception to data protection legislation?

Why (not)?

If YES, at what extent?

How?

How LR comply with DP?

does "right to be forgotten" applies?

should the owner be informed if someone accessed its data?

?

Working group under construction!

Thank you very much
for your attention