



General Data Protection Regulation 2016/679 27/04

Directive on the Re-Use of Public Sector Information 2003/98/EC

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GENERAL DATA PROTECTION REGULATION

- * Any processing of personal data should be **lawful and fair**.
- * **“The personal data should be adequate, relevant and limited to what is necessary for the purposes for which they are processed”**
- * Need to protect people as regards to their personal data processing



GENERAL DATA PROTECTION REGULATION

- * Free movement of personal data within the Union shall be neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data**
- * However, when collected for specified, explicit and legitimate purposes, data cannot be further processed in a manner that is incompatible with those purposes**
- * In face of the risk for the rights and freedoms of natural persons, appropriate organisational measures shall be implemented to ensure appropriate security, namely, pseudonymisation and encryption of personal data**



RE-USE OF PUBLIC SECTOR INFORMATION DIRECTIVE

- * **Member States have the obligation to allow the re-use of generally accessible public data**

- * **Member States are required to ensure that publicly held data can be re-used for both commercial and non-commercial purposes**

- * **Charges are limited to the marginal costs incurred for the reproduction, provision and dissemination of data**

- * **European Parliament called for**
 - » **speedier release of data into the public domain**
 - » **better quality of data**
 - » **easier access to data in machine-readable formats**



PROPOSAL ON THE Re-Use of Public Sector Information Directive

- * Real-time access to dynamic data via adequate technical means. Public Sector Bodies should improve application programming interfaces to allow data interoperability**
- * Re-use of public sector information would be free of charge or limited to the marginal costs**
- * Prevent new forms of exclusive arrangement between Public Sector Bodies and re-users**
- * Increase the availability of data by bringing new types of public and publicly-funded data into the scope of the directive**



PORTUGAL

- * The transposition of the Re-Use of Public Sector Information Directive that took place in 2016, does not consider Land Registry Information as administrative information.
- * Therefore, the access to land registry documents, submitted to specific procedure, is excluded from the application of the Re-Use regime.
- * Nevertheless, Land Registry Information in Portugal, whereas containing personal data could be considered a “*nominative document*”, but due to the extent of the whole information therein, it should be considered a *tertium genus*, somewhere in between personal and non personal data



LAND REGISTRY DATA – ensure legal certainty on immovable conveyance

*** Right to privacy // Right to be informed and Public Interest on Legal Certainty provided by Land Registry Systems**

*** Personal data contained in **Land Registry** are public data usually available in formal publicity as a proof of ownership:**

» the amount collected should be the minimum necessary – privacy by default

» the way they are kept and processed should be under surveillance and responsibility – privacy by design

» the purpose of the data collected is the limit for any subsequent use or dissemination, according to a principle of proportionality



TENSION BETWEEN PROTECTING PRIVACY AND DISSEMINATING DATA

- * The fragility of the legal position of the natural person data is not caused by its disclosure in Land Registry, but from its potential use – or Re-Use - for purposes other than those which determined its collection
- * Stakeholders consulted by the European Commission, emphasised the need to receive more guidance as regards to the protection of personal data, in terms of implementation legal and technical solutions (e.g. anonymisation, pseudonymisation, traceability).
- * European Parliament stressed the need for safeguards to secure respect for copyright and data protection

At the end, are we responsible for our own data?



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