

The background is a dark blue gradient with a subtle pattern of white dots. On the left side, there are several overlapping circular elements. A prominent one is a large circle with a scale around its perimeter, marked with numbers from 140 to 260 in increments of 10. Other circles are partially visible, some with dashed lines and arrows, suggesting a technical or data-related theme.

PRIVACY, DATA PROTECTION AND LAND REGISTRY

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OBSESSION IS CONTRAPRODUCTIVE...

- There was this lady in a supermarket line in 24th May 2018...



 alamy stock photo

EN3B63
www.alamy.com

PROTECTION OF PRIVACY

- Mechanisms to control the handling of information, even in those cases where this information was entrusted to a third party, as it occurs in the collection of data for registration purposes



DATA PROTECTION AND REGISTRY



- Much has already been done, especially at the end of the 1990s, in the legislations of Member States, following the Directive 95/46/EC of The European Parliament and of the Council of 24 October 1995

DATA PROTECTION AND REGISTRY

It is important to consider the need to adapt that legal framework to bring it into line with the General Data Protection Regulation (GDPR) and its aim to give individuals a have better control of their personal data

There might be a reinforced feeling amongst land owners that their personal information held in relation to their property does not have the same control mechanisms generally implemented by GDPR, meaning that data can be obtained by anyone without justification or consent

PROTECTION OF PRIVACY

- There are thus spheres of intimacy which may be affected by the misuse of the information contained in the land registers or in their databases



- The land registry can reveal much of the person, his/her assets and his/her "economic path"



- Legal mechanisms should be established to prevent the deviant use of the information that the land registry provides

PROTECTION OF PRIVACY



- Requests for "mass access" to registers (for mercantilist purposes) are a major concern in this area

HOWEVER...



A balance must be struck, since the land registry must continue to be governed by the **principle of publicity** (although not in an absolute way)



Real rights are good against the world and can bind third parties

Third parties, therefore, must be able to access information on such real rights

HOWEVER... IS PUBLICITY EQUAL TO TRANSPARENCY?



Simple curiosity and the cultural differences in Europe (not compatible with the pre-demonstration of legitimate access)



Media and the public interest of revealing the economic life of politicians and other professionals (judges, prosecutors, journalists)



Legislations and perspectives against laundering



Can we accept that legislation allows an individual to be exempt from having their records disclosed or to have any of their information redacted?

HOWEVER... IS
PUBLICITY EQUAL
TO
TRANSPARENCY?



Some situations
are easy to solve
in advance:

An owner needs
only to know that
the neighbouring
property has a
servitude access
right over their
land



But that is not the case in
general...

ANY GOOD
SOLUTIONS?

EUROPEAN
GUIDELINES
ARE NEEDED?



Forbidding search by name?



Search by name only for certain professionals? Which professionals? With a legitimate interest?



When deeds and other documents are accessible, redacting them before disclosure (signatures, addresses, etc.)?