



Personal data protection and Land Registration

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fondiario e Catasto

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Is it arduous to define a personal data according to art. 4 - 6 - 9 GDPR?

or

the real point is the **evaluation** of what is to be considered “**necessary for reasons of public interest**” + **proportionate to the aim pursued**



Trentino's Land Registry is totally public → the **balancing point** involves the proportionality principle and the reasons that justify a data processing in accordance with a task carried out in the public interest on the basis of Union or MS law.



European overview



The European Land Registry Network (ELRN) was created in 2010 to facilitate a friendly access to land registry services at European level.



Members

● Members

Austria	Hungary	Romania
Belgium	Ireland	Slovak Republic
Bulgaria	Italy	Spain
Croatia	Latvia	Sweden
Cyprus	Lithuania	The Netherlands
Estonia	Luxembourg	
Finland	Malta	
France	Poland	
Greece	Portugal	

● Observers Members

Bosnia and Herzegovina	Estonia	Turkey
	Slovenia	Ukraine

● Partners

CENoR
Università di Trento - Facoltà di Giurisprudenza

Publicity principle

systems more open / systems more restrictive

A) Austria, Bulgaria, Portugal, Romania - totally public

A) Croatia - Estonia - Poland - Spain - Lithuania - only judicial authorities are allowed to display LR information, or only Notaries or only if the request is justified by a legitimate interest

Claude Sapiano's questionnaire - ELRN workshop 2022 Malaga



International overview



Open data

- information is available for everyone to access, use and share
- published by governments on freely accessible portals
- information about local areas, or statistics on topics such as the economy, health and the environment
- Structured, machine-readable and well-maintained
- Usually accompanied by an open license
- Easier to understand, access and consume

Public data

- any data that is in the public domain
- broader category, encompassing various formats and sizes, including raw data
- open data is a subset of public data
- documents can only be accessed with a freedom of information request
- data not in machine readable format

European Directive 2019/1024 article 2 - definition of OPEN DATA:

“ ... (13) ‘machine-readable format’ means a file format structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure;

(14) ‘open format’ means a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents

High-value datasets

- European Directive 2019/2014 - art. 13 and followings
- listed in Annex I

1. Geospatial

2. Earth observation and environment

3. Meteorological

4. Statistics

5. Companies and company ownership

6. Mobility.

land registry data might
be intended in terms of
high-value datasets
and, consequently,
governed by Directive
2019/1024

Personal data and AI

- the processing of personal data implies specific precautionary measures when using AI technologies
- AI Act Regulation n. 2024/1689 - artt. 10 and 59
- strict link between data training and testing processes and the GDPR rules

Personal data - open data - high value datasets - AI INTERCONNECTION



variegated, complex and fast-changing landscape



combine the transparency, publicity, open data, reuse principles with the personal data protection principle

CASE STUDIES

- 1. sexual transition - court decision
- 1. who asked for LR documents or excerpt referred to my property?
- 1. the Dutch case

HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?


CASE STUDIES

1. sexual transition - court decision

- a) particular categories of personal data (art. 9 of the GDPR)
- a) displayed only the Court decision number and the final judgement that describes the registry office information of the applicant
- a) ! historical excerpt !

HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?

CASE STUDIES

- 
1. who asked for LR documents or excerpt referred to my property?
 - a) rejected all these requests
 - a) requests not justified by a legitimate interest
 - a) ! should access to access logs be granted, and if so, under what conditions? !

HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?

CASE STUDIES

1. the Dutch case

- a) restriction for the functionality 'search by name' by categorising users into 4 categories
- a) explicit warning by the Dutch Cadaster
- a) the Court upheld the appeal - a full search by name has been reintroduced
- a) ! the topic of limitations of the function "search by name" is more relevant than ever !

HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?



CONCLUSION

general trend towards an increased awareness
of what personal data rights are



increased
responsibility for
Land Registrars



QUALITY OF DATA





Data quality in Land Registration

- Accuracy in procedures
- Sufficient time to make well-founded decisions
- ongoing training and professional development to maintain and enhance our expertise



THANK YOU FOR YOUR ATTENTION

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SERVIZIO
**LIBRO FONDARIO
E CATASTO**



TRENTINO

PROVINCIA AUTONOMA DI TRENTO