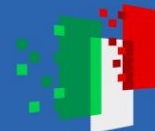




Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



UNIVERSITÀ
DI TRENTO

The EU legal framework on data: from data protection to open data

IMOLA IV Project, online seminar

17 December 2025

Giorgia Bincoletto, Università di Trento



IMOLA IV Project – 6th Training Seminar

17th December 2025

11:00 - 12:30 (CET)

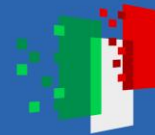
Topic: The EU legal framework on data.



Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



UNIVERSITÀ
DI TRENTO

Outline

1. Brief preliminary remarks on data
2. Data protection framework
3. Open Data framework
4. Data law
5. Conclusions

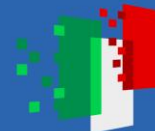




Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



UNIVERSITÀ
DI TRENTO

1. Brief preliminary remarks on data

Data is central...

- **Data economy and the Digital Single Market**
- Big Data and new technologies, including Digital Registers
- **Datasets: *personal data* and *non personal data***
- **EU legal framework on data is still evolving...**

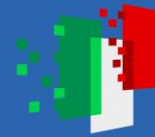




Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



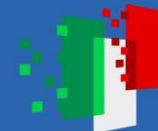
UNIVERSITÀ
DI TRENTO

1. Different interest involved...

Right to control personal data to protect «**individual personality**»

VS.

Principle of **publicity** and need to access to information to protect economic interests and ensure **transparency** and **legal certainty**



2. EU Data Protection framework

First laws in the
Member States (e.g.
Germany)

1970s

1990s

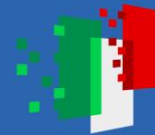
Data protection is
developed in
primary EU law:
Directive 95/46

European Charter of
Fundamental Rights:
two fundamental
rights - privacy and
data protection

2000

Directive
2002/58/EC for the
electronic
communication
sector

2002



2. Data Protection framework

Regulation (EU) 2016/679 = GDPR (+ Directive 2016/680)

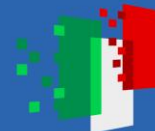
- A global point of reference on data protection
- “**Brussels effect**”
- Incorporation in the European Economic Area Agreement (EU Member States + Iceland, Liechtenstein, Norway)



Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



UNIVERSITÀ
DI TRENTO

2. Regulation (EU) 2016/679, but...

- National frameworks of Member states

= Possible additional rules

= **Possible fragmentation in some contexts**

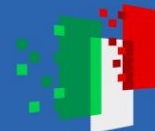
- Guidelines, opinions, decisions of the Data Protection Authorities



Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



UNIVERSITÀ
DI TRENTO

2. Data Protection framework

Regulation (EU) 2016/679 in brief



- Material scope
- Territorial scope
- Principles
- Rights
- Roles
- Obligations
- Sanctions



2. Data Protection framework

- **Personal data vs. Anonymised data vs. Anonymous data**
 - Particular data
 - Pseudonymised data (recent case of the ECJEU in 2025)

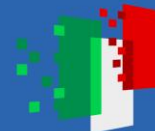
...A land registry may contain both personal data (names and surnames, birth date, marital status, e-ID, IP address...) and non personal data (i.e. information on the units and properties)...



2. Data protection framework

Some key concepts: principles (art. 5)

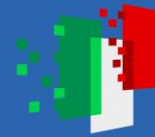
- **Lawfulness** → *defining a legal basis (e.g. **statutory law**, legal obligation)*
- **Fairness and Transparency** → *including the provision of the privacy policy*
- **Purpose limitation** → *e.g. statutory services (access to the registry and documents) and **non-statutory services** (e.g. charge validation service)*



2. Data protection framework

Some key concepts: principles (art. 5)

- **Data minimisation** → *only necessary information...*
- **Accuracy** → *keeping data up-to-date*
- **Storage limitation** (?)
- **Integrity and confidentiality** (= security, including cybersecurity)
- **Accountability**



2. Data Protection framework

- **Defining roles: data controller, joint controllers, processor, third parties, recipients....**
 - Contracts and agreements
 - Policy on data access requests

...The entity controlling the digital land registry may be the data controller, but it may appoint a service provider as processor (e.g. for the website, the cloud...)



2. Data Protection framework

- **Safeguarding data subjects' rights, e.g. right to**
 - Obtain information
 - Access (and obtain a copy)
 - Rectification
 - (Erasure)
 - (Restriction)
 - (Portability)
 - (Object)

*...The **right to access** obviously plays a central role in the land registry processing*



2. Data Protection framework

- **Many obligations, e.g. to**
 - Implement data protection by design and by default measures
 - Maintain a record of processing activities
 - Implement security measures
 - Communicate a data breach
 - Carry out a data protection impact assessment (DPIA)
 - Designate a data protection officer (DPO)



Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA

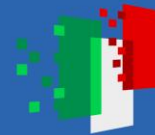


UNIVERSITÀ
DI TRENTO

3. Open Data framework

Directive 2019/1024 on open data and the re-use of public sector information (recast):

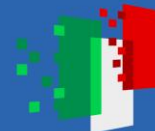
- **open by design and by default**
- High-value datasets
- Re-use for many purposes, including commercial ones



3. Open Data framework

Directive 2019/1024 on open data and the re-use of public sector information (recast):

- **FAIR Principles**: *data should be findable, accessible, interoperable and re-usable*
- Possible charges and licences
- Implementation at national level...



3. Open Data framework

Directive 2019/1024 on open data and the re-use of public sector information (recast), Recital 52:

*Rendering information anonymous is a means of reconciling the interests in making public sector information as re-usable as possible with the obligations under data protection law, but it comes at a **cost**. It is appropriate to consider that cost to be one of the cost items to be considered to be part of the marginal cost of dissemination as referred to in this Directive*

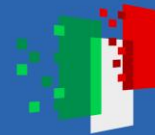
...data should be anonymised!



3. Open Data framework

Directive 2019/1024 and implementing Regulation 2023/138

- Land registry not explicitly included in the high-value datasets of Annex I (*only «companies and company ownership»*)
- Principle of **interoperability**
- Standards at national level

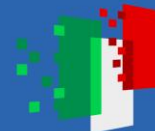


3. Open Data framework

- Once-only principle
- E-government and digital public services
- European Interoperability Framework

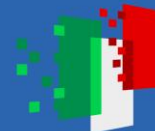
...Importance of ELRA and IMOLA

→ *Not Open Data, but interoperable registries subject to conditions for access*



4. Data law: EU Commission Data Strategy of 2020

- Data Governance Act of 2022 → *new data intermediaries + data altruism*
 - Data Act of 2023
 - Common European Data Spaces (e.g. on health of 2025)
 - Digital Service Act and Digital Market Act
-
- + Artificial Intelligence Act
 - + Cybersecurity framework
 - + **eiDAS Regulation**
 - + *New proposal «Digital omnibus» of November 2025*



4. Data law

eiDAS Regulation of 2014 on electronic identification and trust services:

- In 2024 new Regulation 2024/1183 on European Digital Identity Wallets
- National systems and mutual recognition for many uses
- Same technical standards

<https://ec.europa.eu/digital-building-blocks/sites/spaces/EUDIGITALIDENTITYWALLET/pages/791609471/What+is+the+Wallet>



5. Conclusions

How balancing data protection and openness...

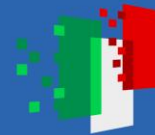
- Complexity of the legal frameworks and their interactions
- Publicity does not means absolute openness
- The data processing activities should be carefully planned and safeguards implemented
- **The access to the data in the land registry should be justified, e.g. on the basis of a legitimate interest**



Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



UNIVERSITÀ
DI TRENTO

Giorgia Bincoletto

E-mail:

giorgia.bincoletto@unitn.it

Web:

<https://webapps.unitn.it/du/it/Persona/PER0123289/>



Finanziato
dall'Unione europea
NextGenerationEU



Ministero
dell'Università
e della Ricerca



Italiadomani
PIANO NAZIONALE
DI RIPRESA E RESILIENZA



UNIVERSITÀ
DI TRENTO

Copyright

Copyright by Giorgia Bincoletto



Creative Commons Licence

[Attribution-ShareAlike 4.0 International \(CC BY-SA 4.0\)](https://creativecommons.org/licenses/by-sa/4.0/)

The quotation of texts and reproduction of images is covered
by Articles 2, 21 e 33 Italian Constitution and Article 70 of Law
no. 633/1941