

THE PROTECTION OF PERSONAL DATA - AN ESSENTIAL COMPONENT OF THE FUNDAMENTAL HUMAN RIGHTS

Augustin FUEREA *

Abstract

In terms of human rights in general, and their promotion and protection, especially, developments have been and will continue to remain diverse and complex. This aspect addresses equally the concerns about the identification of human rights, as well as the establishment, consecration of methods and mechanisms that can lead to the promotion and protection of human rights through legal instruments. A faithful reflection of such developments on the protection of personal data of individuals is provided to us by the reports of the European Commission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and presented starting from 2010, after the Charter of Fundamental Rights of the European Union became legally binding on 1 December 2009, with the entry into force of the Treaty of Lisbon.

Keywords: *human rights; the protection of personal data; the Commission reports; the case law of the CJEU. Introductory Aspects*

In terms of human rights in general, and their promotion and protection, especially, developments have been and will continue to remain diverse and complex. This aspect addresses equally the concerns about the identification of human rights, as well as the establishment, consecration of methods and mechanisms that can lead to the promotion and protection of human rights through legal instruments.

The levels of such concerns have been and will also remain different, with reference to the national, regional (European¹ and not only) level and to the general, universal level. Deepening, in the sense of an appropriate waiver of the areas of interest, and of the necessary correlation of rights with human obligations, has given rise to a considerable diversity, from antiquity to the present day. Whether we are considering the state of peace or war, the man, with his rights, has been at the heart of concerns. Edifying are the developments recorded by the international humanitarian law of armed conflicts, referred to in the doctrine as the "King of Human Rights"², for the state of war in which the man has been long enough, but also for the rules governing such rights over time of peace. The state of peace is relative because, very often, we hear or see multiple information that leads to the area of the media war, a war that includes personal data of the individual, of the natural person. The preoccupation for the protection of such data is not at all recent, as it seems, given its intensified concerns over the last period of time.

Being an extremely generous approach, with multiple sides (philosophical, economic, psychological, theological, military, juridical, etc.), we intend to analyse only its legal dimension, in synthesis, at general, international, European and national level. "Among the ever-evolving subjects, the protection of personal data occupies a privileged and secure place"³.

A faithful reflection of such developments on the protection of personal data of individuals is provided to us by the reports of the European Commission to the European Parliament, the Council, the Economic and Social Committee, the Committee of the Regions and presented as from 2010, after the Charter of Fundamental Rights of the European Union became legally binding on 1 December 2009, with the entry into force of the Treaty of Lisbon⁴.

As the European Commission itself states in its first report⁵, "the Charter [...] [becoming binding] has led to a substantial reinforcement of European Union governance by the rule of law. It is a milestone on a path begun decades ago"⁶. This is happening on the occasion of the entry into force of the Charter, as the Court of Justice of the European Union was the only one entitled to oblige the Union and, implicitly, the Member States to respect the fundamental rights. At a careful analysis of the content, we cannot help accepting the Commission's statements in the 2010 Report, assertions according to which "the Charter embodies in a single, coherent and legally binding

* Professor, PhD, Faculty of Law, University „Nicolae Titulescu” of Bucharest (e-mail:augustin.fuerea@univnt.ro);

¹ Our attention will be circumscribed to this regional level, but not only.

² Ion Cloșcă, Ion Suceava, *Tratat de drept internațional umanitar*, V.I.S. PRINT s.r.l. Publishing house, Bucharest, 2000, p. 3.

³ Călina Jugastru, *Proceduri și autorități în noul drept european al protecției datelor cu caracter personal*, Universul Juridic Magazine, no. 6/2017, p.112.

⁴ Signed on December 13, 2007.

⁵ *The 2010 Report on the application of the EU Charter of Fundamental Rights*, Brussels, 30.3.2011 COM (2011) 160 final, available at:<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0160:FIN:EN:PDF>

⁶ *Ibid.*, p. 2.

instrument the fundamental rights which are binding upon the EU institutions and bodies"⁷.

It is worth noting that, including in the field of data protection for individuals, the Charter applies to Member States only when it comes to the enforcement of the European Union law. The Member States of the European Union have the essential role of guaranteeing compliance with the fundamental rights at national level, according to their own fundamental laws⁸.

The international and universal dimension of the European Union's concerns regarding the fundamental rights is reflected in the *Union's Annual Report on Human Rights and Democracy in the World*, a document distinct from that of the Commission, which presents the Union's actions in non-EU countries. It is the evidence of EU reporting to the UN human rights standards which are referred to in Article 21 of the Treaty on European Union.

2. Developments in the field of personal data protection at EU level

The headquarters of the matter is Article 8 of the Charter, which guarantees the right of individuals to the protection of personal data. Developments in new technologies have been able to increase the concerns of citizens in general, and of the European Union in particular on the most numerous and diverse issues such as video surveillance systems at the workplace; social networking sites; collecting data in census operations; the funding of research into new technologies in the field of security and more.

Given that technological developments enable individuals to get involved in the easy dissemination of a large amount of information about themselves (behaviour, preferences, etc.), reaching out to the general public, even on a global scale, the European

Commission required, in 2010 an "exhaustive" study on data protection in the European Union⁹.

The concerns of the European Parliament are meritorious in the matter, given that, for example, on 10 February 2010, it stressed the need for data protection to be better taken into account in international agreements on data transfers for the purpose of fighting terrorism, by voting against the proposed agreement on the Terrorist Financing Tracking Programme. Following that refusal of the European Parliament, the Commission drew up a new proposal, taking into account the need for personal data protection, that time being endorsed by the European Parliament and entered into force on 1 August 2010¹⁰.

Starting from the 2011 Report, the Commission has made the assessment that "the Charter became a landmark commonly used in EU policy-making"¹¹, including, we add, policies that had an incidence on the protection of personal data.

Interesting is the issue of the Commission's approach to develop the legislation on the use of security scanners designed to detect dangerous goods carried by passengers at airports in the European Union. Informing passengers in this regard is important, but also their right to adopt another method. EU Regulation no. 1141/2011¹² provides detailed conditions regarding the respect for the right to the protection of personal data and private life (preservation, storage, copying of data or images).

An important place in the economy of the 2011 Report is covered by references to European Union data storage rules¹³, which are analysed in a separate Commission evaluation report. In addition to the positive aspects highlighted in the Report, the Commission insisted on the need to improve the transposition of the Data Protection Directive in the Member States.

Among the important developments in the field of data protection, a special place has the enforcement of

⁷ Idem.

⁸ By way of example, art. 20 of the Constitution of Romania, republished: "(1) The constitutional provisions regarding citizens' rights and freedoms shall be interpreted and applied in accordance with the Universal Declaration of Human Rights, with the pacts and other treaties to which Romania is a party. (2) If there are inconsistencies between the covenants and the treaties on fundamental human rights, to which Romania is a party, and the internal laws, the international regulations shall prevail, unless the Constitution or the internal laws contain more favourable provisions".

⁹ The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - *A comprehensive approach of the protection of personal data in the European Union*, COM(2010) 609 final, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0609:FIN:EN:PDF>.

¹⁰ It concerns the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States of America in the framework of the Terrorist Finance Tracking Programme, OJ L 195, 27.7.2010.

¹¹ The 2011 Report on the application of the EU Charter of Fundamental Rights, Brussels, 16.4.2012, COM(2012) 169 final, available at <http://ec.europa.eu/transparency/regdoc/rep/1/2012/EN/1-2012-169-EN-F1-1.Pdf>

¹² Regulation (EU) no. 1141/2011 of the Commission supplementing the common basic standards on civil aviation security with regard to the use of security scanners at EU airports, OJ L 293 11.11.2011. Implementing Regulation (EU) no. 1147/2011 of the Commission on implementing Common Basic Standards in the field of aviation security with regard to the use of security scanners at EU airports, OJ L 294, 12.11.2011. For more details regarding the application of the regulation, see Mihaela Augustina Dumitrașcu, *Dreptul Uniunii Europene și specificitatea acestuia*, second edition, revised and added, Universul Juridic Publishing house, Bucharest, 2015, p. 157-158; Roxana-Mariana Popescu, *Introducere în dreptul Uniunii Europene*, Universul Juridic Publishing house, Bucharest, 2011, pp. 68-69; Elena Emilia Ștefan, *Scurte considerații asupra răspunderii membrilor Guvernului*, Drept Public Journal, no. 2/2017, Universul Juridic Publishing house, Bucharest, pp. 91.

¹³ Commission report: *Evaluation Report on the Data Retention Directive (Directive 2006/24/EC)*, COM(2011) 225 final, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0225:FIN:EN:PDF>. The Data Retention Directive requires Member States to impose on providers of publicly available electronic communications services or public communications networks the obligation to keep traffic and location data for a period of between six months and two years for research, investigation and prosecution of serious crimes.

Regulation (EU) 2016/679¹⁴, in the process of ascending the digitization of the entire social, economic life, and beyond. The regulation is intended to be the result of a process of major reform of the adopted and enforced rules in the field. Data protection is often realistically correlated to the right to privacy, both of which are regulated by the Charter and by the Treaty on the Functioning of the European Union, plus the European Convention on Human Rights of the Council of Europe¹⁵.

Even if it appears to be a novelty, especially in non-specialized environments, Regulation (EU) 2016/679 does not intervene on an empty ground, but represents, as the Commission pointed out, an update and modernization of the principles enshrined in the 1995 directive¹⁶. The reform aims, among other things, at greater accountability for operators who process personal data, effectively contributing to the strengthening of the role of independent, autonomous national authorities¹⁷. The right to delete data or the "right to be forgotten", as metaphorically has been retained by the practice of the field, joins other rights, such as the right to pseudonymization; the right to opposition; the right to restrict processing, and so on. An important component is given by the right to information¹⁸, plus the expression of consent. All this is corroborated with the possibility of facilitating better data protection by the data subjects in the online environment.

A plus of value but also of legal essence is that the proposed and achieved reform "extends the general principles and rules of data protection to police and judicial authorities"¹⁹.

The exceptions included in the reform sought to ensure a balance between the right to data protection and the freedom of expression for journalistic purposes, for example, taken into account by the Romanian legislator, in the law on implementing measures for Regulation (EU) 2016/679²⁰ (Chapter III - Derogations).

In 2013, according to the Commission's report, visible progress was made on the protection of personal data. An important step was the concern about deepening some legal consequences and the substantiation of certain rights, such as the explicit consent, "the right to be forgotten", the right to portability (transmission) of data and the right to be informed about the violation of the personal data security.

3. The Case law of the CJEU

The Commission's monitoring of the enforcement of data protection legislation aimed in 2013 at the application by Austria of the Court's judgment²¹ in 2012, which found that the data protection supervisory authority was not independent. In that regard, Austria took measures to amend the relevant legislation by making sure that "the member of the authority managing the day-to-day (...) [data protection] activity is subject to supervision only by the President of the Authority and that the authority does not take part of the Federal Chancellery, but has its own budget and staff"²².

In 2010, the Court of Justice of the European Union²³, referring explicitly to the importance of fundamental human rights, the scope of data protection, invalidated those parts of EU law "which required the publication of the names of natural persons that were recipients of funds deriving from the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development"²⁴.

The developments that the society has made, contribute decisively to the agenda with priorities of the European Commission's legislative initiative. This is why the European Commission's 2014 report devotes a distinct part on "human rights in the digital environment", following the enforcement of the provisions of the Charter with a special reference to the field. The case that was the subject of the analysis,

¹⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Regulation on data protection), OJ L 119, 4.5.2016.

¹⁵ "The mere recording of data relating to the private life of an individual constitutes an interference within the meaning of Art. 8 [of the European Convention on Human Rights, which guarantees the right to respect for private and family life, domicile and correspondence] ", according to the Information Sheet - Personal Data Protection, November 2017, p. 1 (available at https://www.echr.coe.int/Documents/FS_Data_ROM.pdf)

¹⁶ It involves 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 the free movement of such data, OJ L281, 23.11.1995.

¹⁷ In Romania: the National Authority for the Supervision of Personal Data Processing.

¹⁸ Case *Bărbulescu v. Romania*, ECHR decision of 5 September 2017.

¹⁹ The 2014 Report on the Application of the EU Charter of Fundamental Rights, Brussels, 8.5.2015, COM(2015) 191 final, available at: <http://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-191-EN-F1-1.PDF>, p. 3

²⁰ Law no. 190/2018 on implementing measures for the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), published in the Official Gazette of Romania, Part I, no. 651 of July 26, 2018.

²¹ Judgment of the Court of 16 October 2012, *Commission v. Austria*, C-614/10, EU:C:2012:631.

²² The 2013 Report on the Application of the Charter of Fundamental Rights of the EU, Brussels, 14.4.2014 COM (2014) 224 final, available at: [http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com\(2014\)0224/com_com\(2014\)0224_en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com(2014)0224/com_com(2014)0224_en.pdf), p. 9.

²³ On the role of the EU Court of Justice jurisprudence in the development of EU law, see Mihaela-Augustina Dumitrașcu, *cited above*, pp. 182-188; Laura-Cristiana Spătaru-Negură, *Dreptul Uniunii Europene – o nouă tipologie juridic*, Hamangiu Publishing House, Bucharest, 2016, pp. 156-165.

²⁴ Judgment of the Court of 9 October 2010, *Volker und Markus Schecke and Eifert* Joined Cases C-92/09 and C-93/09, EU:C:2010:662.

justifying the European Union executive's sufficiently careful attention to the topic, is *Digital Rights Ireland*²⁵. The derivative headquarters of the matter at that time was the Data Retention Directive²⁶, a directive which the Luxembourg Court invalidated, considering that it no longer responded to the provisions of the Charter (Articles 7 and 8) on fundamental rights to respect the privacy and protection of personal data. Significant is that, "the judgment of the Court clarified that EU secondary legislation had to contain certain safeguards to protect the fundamental rights, including provisions on professional secrecy grounds and prior administrative or judicial controls, and that these issues cannot be left to the latitude of the national legislator"²⁷.

Even if in the same case, the Luxembourg Court found that "keeping data served a legitimate objective of general interest", it "considered that the intervention of the directive (...) in the fundamental rights to privacy and the protection of personal data was not limited to the strict minimum"²⁸.

The impact of the judgment in this case concerns all the institutions of the European Union which at this level are important links to the legislative process. The concrete reflection materialized in an immediate action by the Commission, which in December 2014 updated its "Guidelines on methodological measures to be taken to verify the compatibility with the fundamental rights at the level of the Council's preparatory bodies", getting involved - even in the Council's staff training activity, in this respect.

The same technological developments contributed to what the Commission called in its 2014 report "the digital revolution", which is likely to worry and that led to the amplification of its efforts above all to collect, use and disseminate personal data, but not only. Developments "on global surveillance programmes highlight the need for more effective measures to protect the fundamental rights, in particular the right to privacy and personal data protection"²⁹.

Another important tool developed this time by the Council of Europe, which is placed in a universal international context³⁰, is the "Human Rights Guidelines for Internet Users" (fair access to the internet, discrimination of some people by setting profiles, unequal relationship between recipients of data and providers of this data, intellectual property rights and obligations, etc.).

The origins of Regulation (EU) 2016/679 and Directive (EU) 2016/680³¹ are met in the Commission's proposals of January 2012 on the General Regulation on Data Protection and the Directive addressed to police and judicial authorities in the same field. The Commission's negotiations also extended to transfers of data to the USA, in the sense of concluding a framework agreement on data protection, in order to achieve a new regime of safety for these transfers.

"In the case of *Google*³², the EU has an obligation to comply with EU data protection law (Articles 7 and 8 of the Charter) and must therefore respond to requests to remove links to certain personal data, under certain conditions ("the right to be forgotten")"³³.

The Head of the European Union's executive³⁴, in the framework of the political guidelines presented to the European Parliament, went further demanding that the obstacles between Member States with regard to the regulations are adopted in the areas of personal data protection, namely: telecommunications; Copyright; radio frequency management and competition law are removed.

For the 2015 Activity Report, the agreement between the European Parliament and the Council in December on the "data protection reform package" was important. The package covers the protection of fundamental rights to privacy and the protection of personal data³⁵, both of which are essential for the digital single market.

Efforts on the drafting and adoption of the Regulation and the Directive, which have already been

²⁵ Judgment of the Court of 8 April 2014, *Digital Rights Ireland Ltd v. Ministry of Communications, Marine and Natural Resources and Others and Kärntner Landesregierung and Others*, Joined Cases C-293/12 and C-594/12, EU:C:2014:238.

²⁶ Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC OJ L 105, 13.4.2006.

²⁷ The 2014 Report on the Application of the EU Charter of Fundamental Rights, Brussels, 8.5.2015, COM (2015) 191 final, available at: <http://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-191-EN-F1-1.PDF>, p. 3.

²⁸ *Idem*.

²⁹ *Ibid.*, p. 13.

³⁰ See, for example, the current discussions about the large data volumes ("Big Data"), as highlighted in the Large Data Volume and Privacy Report published by the United States White House (http://www.whitehouse.gov/sites/default/files/docs/big_data_privacy_report_5.1.14_final_print.pdf), Report of the State Council of France on Digital Technology and Fundamental Rights (<http://www.conseilletat.fr/content/download/33163/287555/version/1/file/Digital%20technology%20and%20fundamental%20rights%20and%20freedoms.pdf>) or the Draft Declaration on the matter of Internet Rights prepared by the Research Committee on Rights and Obligations in the Field of Internet within the Chamber of Deputies of Italy (according to the 2014 Report on the Application of the EU Charter of Fundamental Rights, *cited above*, p. 13, footnote 47).

³¹ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data by the competent authorities for the purposes of prevention, detection, investigation or prosecution of criminal offenses or the execution of penalties and concerning the free movement of such data and repealing the Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016.

³² Judgment of the Court of 13 May 2014, *Google Spain SL and Google Inc. C./Agenda Española de Protección de Datos (EDPS) and Mario Costeja González*, Case C-131/12, EU:C:2014:317.

³³ The 2014 Report on the Application of the EU Charter of Fundamental Rights, *cited above*, pp. 14-15.

³⁴ Jean-Claude Juncker.

³⁵ Articles 7 and 8 of the Charter.

mentioned, continued, and it was established that the enforcement would start no later than 2018, which has already happened on 25 May.

Continuing work in this area, we find that a proposal in 2014 materialized so that in September 2015, the Commission finalized the EU-US Data Protection Framework Agreement. The Agreement "will provide data protection safeguards for any transfer of personal data between the EU and the US regarding any police or judicial cooperation in criminal matters. Under the agreement, when their personal data is transferred to US law enforcement authorities, and this data is inaccurate or illegally processed, EU citizens - who do not reside in the US - will have access to remedies in US courts. This provision represents a significant improvement in the situation with regard to the US judicial remedy"³⁶.

Simultaneously with developments in the work of the institutions involved in the legislative process, we cannot fail to notice the CJEU's case-law, which is in line with these developments in the field, and to which the 2015 Commission's Report does not hesitate to refer. This is related to the *Schrems*³⁷ accusation where the CJEU invalidated the Commission's Decision of 2000 on the safety sphere. That "was a decision to establish the adequacy of the level of data protection under Article 25 (6) of the Data Protection Directive (...) and authorized the transfer of personal data to a third country, in this case the United States. The decision found an acceptable level of protection under national law or international commitments assumed by the US. The transfer of personal data to US servers by the Irish Facebook subsidiary authorized by that finding of suitability was challenged before an Irish court, in particular, following the 2013 disclosure of mass surveillance by American information"³⁸.

Since the Luxembourg Court ruled that legislation which gives the public authorities access to the content of electronic communications in general, violated the fundamental right to respect for private life,

the Commission published guidance on the possibilities of the data transfer, also making reference to *Schrems* judgment, "establishing alternative systems for transfers of personal data to the US until a new framework is established"³⁹.

In its Annual Report of 2017 on the application of the EU Charter of Fundamental Rights⁴⁰, the Court highlighted Opinion 1/15 on the Canada-EU Agreement Draft on the transfer of data from the Record with the passengers' names from the European Union to Canada, adopted on 26 July 2017. The Commission noted that the Luxembourg Court "found that several provisions of the proposed agreement were incompatible with the right to respect for privacy (Article 7 of the Charter) and the protection of personal data (Article 8 of the Charter)"⁴¹. "The Court expressed its concern about the proportionality, clarity and precision of the rules set out in the agreement and the lack of justification for the transfer, processing and storage of sensitive data. The Commission is examining carefully the most appropriate way to eliminate the concerns raised by the Court in order to ensure the security of EU citizens while fully respecting fundamental rights, in particular the right to data protection"⁴².

To all these, some aspects concerning anonymization⁴³, activities within a religious community⁴⁴, and written answers provided in a professional examination⁴⁵ are added.

4. Conclusions

We can conclude that the concern for the respect of fundamental human rights, including from the point of view of the protection of personal data, has been, is and will remain a constant of European and international domestic regulations, in general, and of the jurisprudence of the field, as well as of the specialized doctrine⁴⁶ for a long time, from now on.

³⁶ The 2015 Report on the application of the EU Charter of Fundamental Rights, Brussels, 19.5.2016, COM (2016) 265 final, available at <http://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-191-EN-F1-1.PDF>, p. 8.

³⁷ Judgment of the Court of 6 October 2015, *Maximilian Schrems v. Data Protection Commissioner*, Case C-362/14, EU:C:2015 650.

³⁸ The 2015 Report on the Application of the EU Charter of Fundamental Rights, *cited above*, pp. 8-9.

³⁹ "On February 2, 2016, the European Commission and the US agreed on a new framework for transatlantic data flows: the EU-US Shield for Privacy. On 29 February 2016, the Commission presented a draft decision on the adequacy of the level of protection, taking into account the requirements set out in the *Schrems* judgment" (2015 Report on the Application of the EU Charter of Fundamental Rights, *cited above*, p. 9).

⁴⁰ Brussels, 4.6.2018, COM (2018) 396 final, available at <http://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-396-F1-EN-MAIN-PART-1.PDF>

⁴¹ The 2017 Annual Report on the application of the EU Charter of Fundamental Rights, Bruxelles, 4.6.2018, COM(2018) 396 final, available at <http://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-396-F1-EN-MAIN-PART-1.PDF> p. 12.

⁴² *Idem*.

⁴³ "Starting from July 1st, 2018, preliminary cases involving individuals will be anonymized" (CJUE Press Release 96/18, available at <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-06/cp180096ro.pdf>)

⁴⁴ "A religious community (...) is an operator with its preachers in the processing of personal data collected in a home-based preaching activity" (CJUE Press Release, No. 103/18, available at <https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-07/cp180103ro.pdf>).

⁴⁵ "Written answers provided in a professional examination and any comments by the examiner on these answers are personal data of the candidate to which he has, in principle, the right to access" (CJUE Press Release, No. 140/17, available at <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-12/cp170140ro.pdf>).

⁴⁶ Augustin Fuerea, *Aplicarea regulamentului general privind protecția datelor*, Dreptul Journal, nr. 7/2018, pp. 100-116.

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- Judgment of the Court of 8 April 2014, *Digital Rights Ireland Ltd v. Ministry of Communications, Marine and Natural Resources and Others and Kärntner Landesregierung and Others*, Joined Cases C-293/12 and C-594/12, EU:C:2014:238;
- Judgment of the Court of 13 May 2014, *Google Spain SL and Google Inc. C./Agenda Española de Protección de Datos (EDPS) and Mario Costeja González*, Case C-131/12, EU:C:2014:317;
- Judgment of the Court of 6 October 2015, *Maximillian Schrems v./Data Protection Commissioner*, Case C-362/14, EU:C:2015 650;
- Regulation (EU) no. 1141/2011 of the Commission supplementing the common basic standards on civil aviation security with regard to the use of security scanners at EU airports;
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- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data by the competent authorities for the purposes of prevention, detection, investigation or prosecution of criminal offenses or the execution of penalties and concerning the free movement of such data and repealing the Council Framework Decision 2008/977/JHA;
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