Introduction to data protection

The protection of natural persons upon data protection is a fundamental right. Article (8)(1) of the Charter of Fundamental Rights of the European Union and Article (16)(1) of the Treaty on the Functioning of the European Union stipulate that everyone has the right to the protection of personal data concerning them. Rapid technological development and globalisation have generated new challenges in data protection. The scope of collection and sharing of personal data has increased remarkably. Technology allows private legal entities as well as public authorities to use personal data in their activities to an extent never seen before.

The European Commission has stated that data protection rules need to be thoroughly reformed to strengthen the right to the inviolability of private life on the Internet and boost the digital economy of Europe. On 14 April 2016 the European Parliament approved the General Data Protection Regulation (GDPR), which replaces the present Data Protection Directive.

The GDPR is directly applicable, which means that it will also replace the present Estonian Data Protection Act with the national implementing act. The GDPR entered into force on 24 May 2016 and will be applied after a two-year implementation period as of 25 May 2018. The purpose of the GDPR is to harmonise the effective data protection rules, considering the digitalisation of the economy, the implementation of new technologies and the increase in cross-border transactions. Recital point (15) of the GDPR states that the protection of natural persons should be technologically neutral and should not depend on the techniques used. As of 25 May 2018, personal data protection law in Estonia as an EU Member State will be regulated by the directly applicable GDPR and the new Personal Data Protection Act (PDPA) in which the issues of the GDPR will be specified and updated to the extent in which this right has been granted to the Member States.

The European Commission has defined three main areas of problems during the development of the GDPR and the directive, which it wants to solve with the GDPR:

1) the fragmentation, legal unclarity and uneven implementation of the data protection regulations of Member States create obstacles to the operations of companies and increase the administrative burden of the public sector;

2) it is difficult for natural persons to control the processing of their personal data;

3) the deficiencies and contradictions in personal data protection in relation to the data processing occurring during the collaboration of law enforcement authorities.

The new data protection environment and the regulation covering this have created a clear need for specification of data protection regulation in the company. As a result of this, our company has, among other things, established a Privacy Policy and Privacy Notice, added a data protection chapter to the company’s work organisation rules, established various single data protection rules, organised the relevant training for employees, included data protection clauses in its contracts and implemented all of the mandatory measures for personal data protection set forth in the GDPR.