

The work presented considers the data protection law formerly regulated via Directive 95/46/EC and presently regulated by GDPR (General Data Protection Regulation). GDPR was introduced as a response to the development of new technologies, such as growth of social networks and cloud storages, which did not exist when Directive 95/46/EC was enacted. Furthermore, GDPR is a reaction to the variety of data protection acts across the EU member states. Its aim is to consistently guarantee a high level of personal data protection across entire EU.

The introductory part of the thesis is devoted to the terminology, history of personal data protection and shortcomings of the repealed directive. In particular, the territorial scope is identified as problematic. In addition, author in this part made an analysis of selected rulings of CJEU, which indicated the need for a new legal regulation, are discussed.

The second part of the thesis considers the design of GDPR. Here, the question of necessity for such regulation is addressed. Furthermore, the author discusses the circumstances under which the IP address and cookies can be considered personal data which are protected by GDPR. The central theme of the thesis is the consent to the processing of personal data. GDPR does not modify the fundamental parameters of the consent required by Directive 95/46/EC. Instead, it extends these requirements. In particular, the online consent given by individuals under the age of 16 is considered. In addition, selected rights of data subjects under GDPR, e.g. media known „right to erasure“, are discussed including the critical analysis of the Google Spain ruling.

The final part of the thesis considers the GDPR adaptation by member states. While GDPR is directly applicable at large, it imposes or allows the Member States to adapt some issues via national legislation. The author analysed the proposed data protection law which will be voted on by the Czech Parliament only after the submission of the thesis. In addition, the approaches to GDPR adaptation in the Czech Republic, Slovakia and Austria republic are compared and contrasted. For example each of these states sets a different age for online children's consent. In practice, webmasters must ensure that the requirements of that particular legislation are met.