Abstract in English

This thesis deals with the right to personal data protection as enshrined in Article 8 of the EU Charter of Fundamental Rights (the Charter) and its relationship with Article 7 Charter, the right to respect for private and family life. Since both of the rights have immediate relevance for EU data protection, their coexistence in the Charter necessitates an explanation as to their relationship, interaction and the merit of adding an independent right to personal data protection. However, such explanation is difficult to trace. International human rights instruments have traditionally safeguarded the protection of personal data by the right to privacy. The common constitutional traditions of the Member States differ significantly in the enactment of data protection and the EU legislation in force is likewise treating data protection as a privacy subset. The thesis firstly attempts to assess whether the right to personal data protection is capable of autonomous standing, detached from the privacy right and secondly, whether the CJEU allows the right to personal data protection to stand as an autonomous right in reality. To deal with the first research task, the paper analyses the doctrinal sources discussing the personal data-privacy concepts and seeks to identify the value of Article’s 8 addition to the Charter. It takes a look at the secondary legislation relevant to personal data in order to map the developments from understanding personal data protection as a privacy tool, to its perception as an independent right. In addition, it assesses data protection standards in the European Convention on Human Rights, since the ECHR only enshrines the right to respect for private and family life and lacks an explicit data protection reference. In order to tackle the second research objective, the approach of the Court of Justice of the EU is reviewed through an analysis of the case law relevant to the two Charter rights. The paper concludes with an assessment of whether the CJEU followed the theoretical conclusions outlined in the first research question when implementing Article 8 in practice.