

Personal data protection under the law of European Union

ABSTRACT

The diploma thesis discusses the legal regulation of personal data protection under the European Union law with focus on the rights of data subjects, i.e. natural persons whose personal data are being processed. The aim of the thesis is to compare the current legal regulation of the rights of data subjects (directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data) with the legal regulation with forthcoming effectiveness (GDPR) with focus on the issue how the new legal regulation dealt with the problems for which the Directive has been criticised and how it dealt with problematic parts of the regulation of the rights of data subjects. The diploma thesis consists of five parts including the introduction, the conclusion and three chapters of the own text. The chapter one contains the introduction to the field of personal data protection, including the brief history of the development of personal data protection, and it is further divided into the sub-chapters where the primary and secondary law concerning personal data protection in the European Union and its development are introduced. The human rights context of personal data protection is also discussed in this chapter. The second chapter contains the elementary terminology related to personal data protection, and its aim is to explain the basic terms, which are further used in the thesis. The third chapter is focused on the rights of data subjects and the relevant provisions of the directive and the regulation regulating the rights of data subjects. The particular sub-chapters are divided in accordance with the particular rights declared to data subjects. Each right is described in accordance with the provisions of both legal regulations, if it is possible. With regard to the new rights, only provisions of the GDPR are stated. Furthermore, selected problems of the current legal regulation related to the respective right are outlined and the comparison of both legal regulations is conducted with focus on the issue, whether the new legal regulation dealt with the identified problems or not. The conclusions of the thesis are summarised in the last part of the thesis.