



# INTERNATIONAL LEGAL RESEARCH GROUP ON HUMAN RIGHTS AND TECHNOLOGY

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The European Law Students' Association

# Academic Guidelines

**Title: Human Rights in the Age of Advanced Digital Technologies**

**Thesis: The Right to Privacy and Data Protection in the Age of Advanced Digital Technologies**

## Introduction

1. Which human rights issues does Advanced Digital Technologies (ADT) pose in your country?
  - Is there or what is a legal framework that provides for procedure on human rights impact assessments? What are other instruments used for identifying human rights issues posed by ADT?
  - What national and international standards of human rights protection are at risk due to the ADT development and implementation?

## Analysis

2. How is personal information protected in your national legislation?
  - How is personal information defined by your national legislation (or by a legal framework that affects your national legislation, e.g. GDPR)?
  - If your country is a Member State of the European Union, please provide a concise analysis of the extent to which your country's laws regarding protection of personal information are compatible with EU law, particularly the General Data Protection Regulation (GDPR).
  - How do external instruments (such as the abovementioned GDPR) influence the data protection in your country (N.B. can be applicable to non-EU countries as well).
3. To what extent is the data protection self-regulated by the private sector in your country? How do public and private sectors cooperate in this regard?
  - Provide some examples, if any can be found in your country.
4. What is the process of judicial review of cases data protection breaches?
  - Is the right to data privacy defined in your legal system? If not, is it a part of another right protected the national law?
  - Can the data subject restrict or object the data processing? What are the circumstances and exceptions to this option?
  - In case of data protection breaches, what is the process to notify the data subject? Are there any exceptional grounds not to notify the data subject? If such grounds exist, what would be the ideal or optimal balance for necessity and proportionality?
5. Does the review constitute effective protection of data privacy?
  - Which bodies conduct such review?
  - What is the process of judicial review for cases of data protection breaches?
  - Does the review provide effective remedies to the data protection breaches? If so, please specify. For example, what kind of sanctions are imposed as penalties or what remedies are available?
6. What is the process of judicial review of anti-discrimination cases?
  - Which bodies conduct such review? What are the elements that are taken into consideration when such review is conducted?

- Does the review constitute effective protection against discrimination?
  - What is a considered role of the technical aspects that result in discrimination (such as algorithmic bias)? How are these problems tackled?
7. Does your country have any specific regulations on advanced digital technologies, such as big data, artificial intelligence (AI), Internet of Things (IoT) and/or encryption?
- Please specify any existing or proposed legislation. If none is in place, are there any initiatives introduced by private actors or NGOs?
  - To what extent are the external legislative developments influential on your country's regulation of this area?
8. Does your country's legislation require encrypted personal messages to be decrypted and accessible for criminal investigations?
- Specify the circumstances in which such decryption may be conducted? What are the potential or real consequences of such requirement?
  - Does this requirement (in general or in practice) provide the authorised body with too much power? Clarify your answer.
  - What level of protection does your country's legislation provide to the individuals in the circumstances mentioned above?
9. Has your country reached an adequate balance between allowing digital advancements and protecting human rights online?
- If applicable, specify how the situation in your country is perceived externally (by other countries/ members of the economic/political bloc, international organizations, etc).
10. Based on your analysis, how do you believe that legislation regarding on the area of protecting human rights online will develop in the coming 5 years?
- Incorporate the answers, you have given to the previous questions, and the main results of your research.

## Conclusion