

*#EADPPCertification
WebinarSeries*


BOKS Domain A

European Data Protection Legislation

- EADPP Certification
- BOKS Domain A
- Linking Domain A to other BOKS domains
- Q&A

EADPP

european association
of data protection
professionals

PRIVACY 
DATA PROTECTION
X CERTIFICATION **ENABLERS**

EADPP Certification for Data Protection Professionals

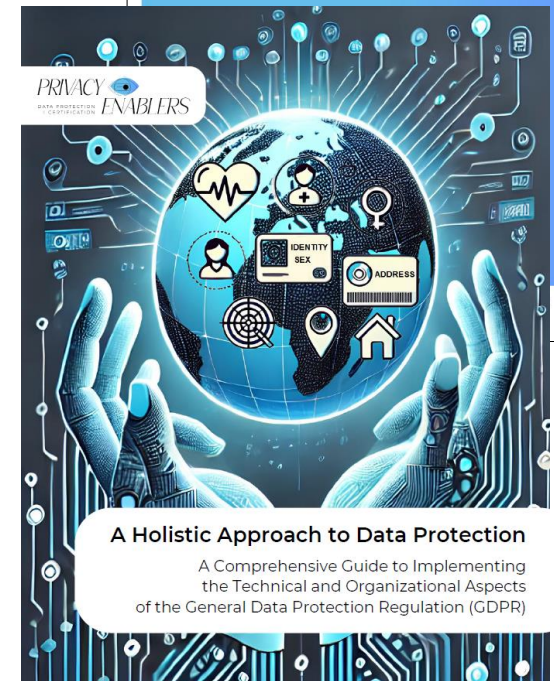
Aim & Content

- ▶ Providing a certification that goes **beyond a sole focus on the legal aspects** of data protection
 - ▶ Focus on *how* data protection principles can be implemented
- ▶ **Body of Skills and Knowledge (BOKS)**
 - ▶ Reflecting a holistic approach on data protection and privacy fundamental cornerstones
 - ▶ Broad knowledge and skill set
 - ▶ *Practical skills*



Exam modalities & Package

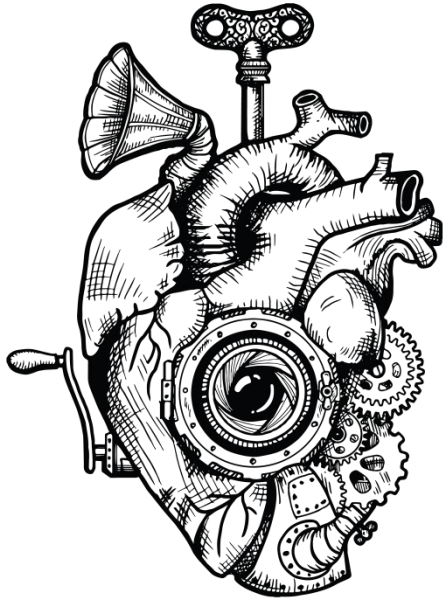
- ▶ Becoming certified requires **passing the exam**
 - ▶ 40 single-option questions to be completed in 2h
 - ▶ Passing mark of 28/40 (70%)
- ▶ **Certification package** includes
 - ▶ One online exam
 - ▶ Study book “A Holistic Approach to Data Protection”
 - ▶ Upon passing the exam (a.o.):
 - ▶ *EADPP CDPP certificate, valid for 3 years*
 - ▶ *EADPP membership for 1 year*
- ▶ **Detailed information** can be found in the [Syllabus](#) and [Candidate Handbook](#)



BOKS Domain A:
European Data Protection
Legislation, focusing on GDPR

Thomas Vermaerke

- ▶ Thomas is a certified DPO and lawyer specializing in data protection law and ICT law.
- ▶ Thomas holds a Master of Laws from Ghent University (2016) and also a Master after Master from KU Leuven in Intellectual Property Law and ICT Law (2017).
- ▶ In 2019, he obtained the DPO certificate from the Data Protection Institute and in 2022 the Certified Information Privacy Professional/Europe (CIPP/E) certificate from the International Association of Privacy Professionals. In 2020, Thomas also completed the Master Class in Business Design Thinking at Antwerp Management School.
- ▶ Thomas started his career in 2016 at De Juristen as legal counsel IT & privacy and later established himself as independent legal counsel IT & privacy and in that context performed many GDPR audits and DPO services. For 2 years he was also manager at Jureca (Advocas BV), a Ghent-based legaltech startup that acts as a matchmaker between lawyer and litigator.



IFORI

INTELLECTUAL PROPERTY & ICT LAW

EADPP Certification

Webinar 2: European Data Protection Legislation – Focus on GDPR

By:

Thomas Vermaerke
Senior Legal Counsel – IFORI
thomas.vermaerke@ifori.be
Blog: www.gdprexpert.be



Agenda

- I. History of European Data Protection Legislation
- II. General Provisions and Principles of Data Protection
- III. Rights of the Data Subject
- IV. Controller and Processor
- V. Transfer of Personal Data to 3rd countries
- VI. Supervisory Authorities
- VII. Remedies, Liability and Penalties

I. History of Data Protection



Why is it important to protect your data?

What is your data worth?

The survey interface features a navigation bar with five categories: DEMOGRAPHICS (red), FAMILY & HEALTH (orange), PROPERTY (green), ACTIVITIES (blue), and CONSUMER (purple). A large silhouette of a person is in the background. The main content area is red and contains a text block, a list of demographic checkboxes, and several questions with radio and dropdown menus. On the right, a dark red box displays the value '\$0.007' with the text 'Current value of my data' below it. A 'NEXT' button with a right-pointing arrow is at the bottom right.

DEMOGRAPHICS FAMILY & HEALTH PROPERTY ACTIVITIES CONSUMER

Data brokers scour public documents, such as birth records and motor vehicle reports, to compile basic data about individuals. It is likely they already know your:

- Age
- Gender
- ZIP code
- Ethnicity
- Education level

Are you a millionaire?

No
 Yes

What is your job?

Are you engaged to be married?

Yes
 No

Are you?

- Recently married
- Recently divorced
- Empty nester

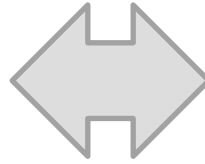
\$0.007
Current value of my data

NEXT ►

Basic Human Rights

The Universal Declaration of Human Rights, Article 12.

*“No one shall be subjected to arbitrary interference in his **personal affairs**, in his **family**, his **home** or his **correspondence**, nor to any attack on his honor or good name. Against such interference or attack, everyone has the right to protection by law.”*



Charter of Fundamental Rights of the EU, Article 8(1):

*“Everyone has the right to the protection of **personal data concerning him or her** .”*

007TM



GDPR

General Data Protection Regulation

25th of May 2018



II. General Provisions and Principles of Data Protection





Personal information is everywhere!

“Any information relating to an identified or identifiable natural person.”

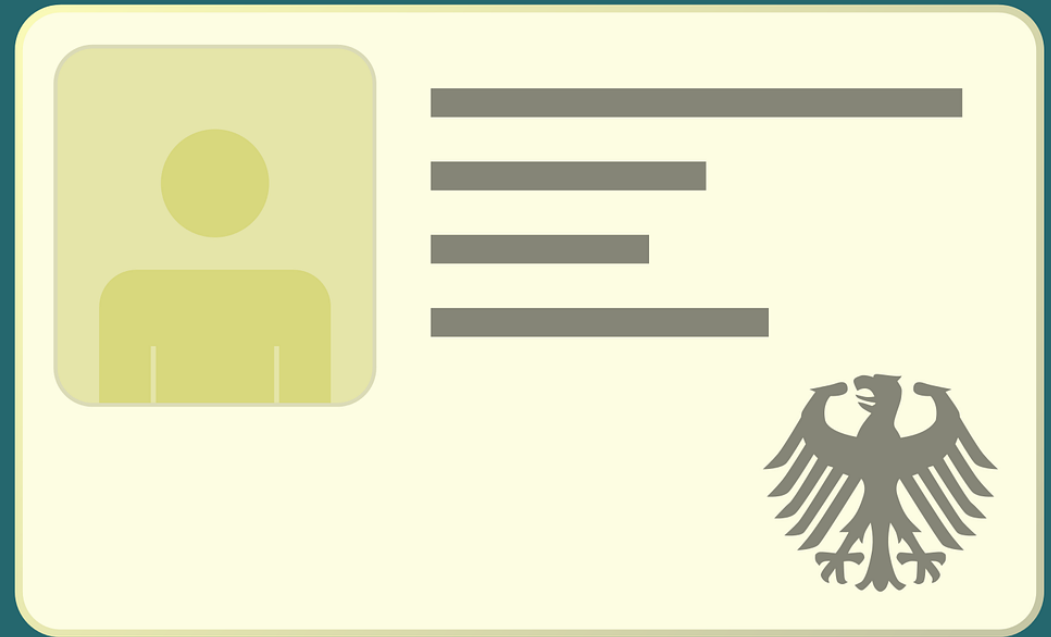
E.g. Name, location data, IP address, customer number, ...

Stricter rules for special categories of Personal Data (general prohibition)

- Racial or ethnic origin
- Political preferences
- Genetic and biometric data
- Health data

ID-card

Direct unique identification



Video data

Can the individual be identified?



Anonymous data

No longer possible to identify so no personal data

But is it really 100% anonymized?



Children's drawing

Can it tell anything about the child's state of mind?



X-ray

Sensitive data!



B. Principles of GDPR

1. Accountability;
2. Fair, lawful and transparent processing;
3. Purpose limitation;
4. Data minimization;
5. Accuracy;
6. Storage limitation;
7. Integrity and confidentiality.

PRONET nieuwsbrief

Vul dit formulier in en ontvang de periodieke nieuwsbrief over netwerksamenwerking van PRONET.

Voornaam *

Naam *

E-mailadres *

[Ja, ik wil deze nieuwsbrief ontvangen!](#)

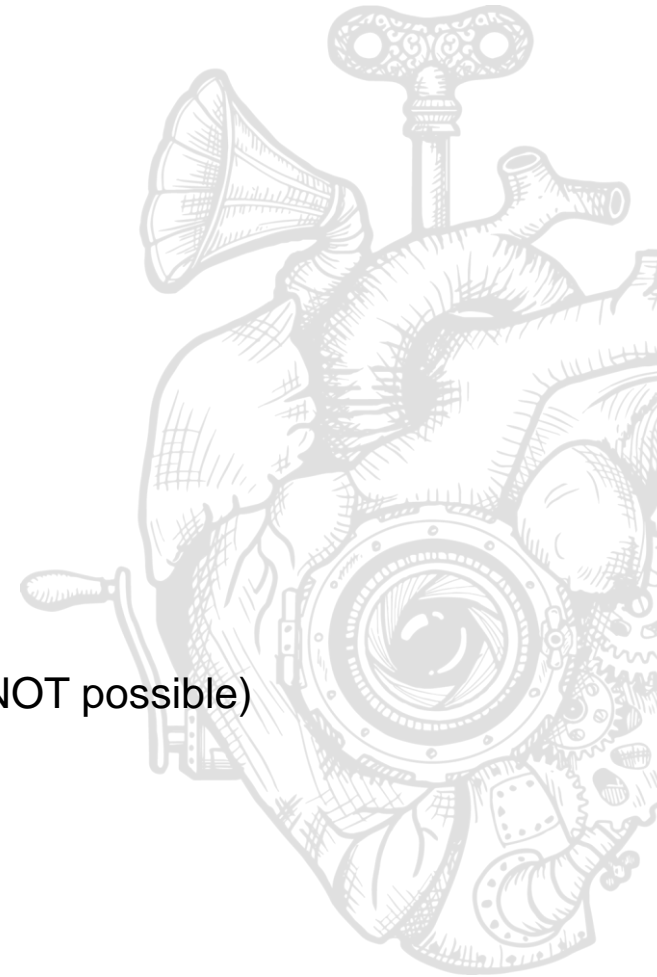
[Disclaimer](#) - [Cookiebeleid](#) - [Privacybeleid](#)

Example: Newsletter


C. Legal Grounds

A valid legal basis to process the data is required:

- Necessary for the performance of a contract;
- Legal Obligation;
- Vital interests;
- Legitimate interests of the controller;
- Consent
 - Freely given, specific, informed and unambiguous
 - It must be given by a statement or clear affirmative action (i.e. opt-out NOT possible)
 - Proof of consent to be provided by data controller
 - Revocable
 - Obtained separately



ENT | COMPANY | SHOP | SUPPORT | SIGN IN

search image-Line  SIGN IN | JOIN

* Forum Username:
[?]


* E-Mail Address:

* Confirm E-Mail Address:

Alternative E-Mail:
[?]

* Password:
(6 or more characters)

* Retype Password:

* Verification Code: I'm not a robot 
reCAPTCHA
Privacy - Terms

I accept the [Terms & Conditions](#) and [Privacy statement](#).

I want to receive the Image Line newsletter.









REGISTER CANCEL

Checkbox consent

III. Rights of the Data Subject



Rights of the Data Subject

-  Transparency
-  Access
-  Rectification
-  Data Erasure (“Right to be forgotten”)
-  Limitation
-  Portability
-  Objection
-  Profiling

Each request needs to be handled within 30 days!

IV. Controller versus Processor



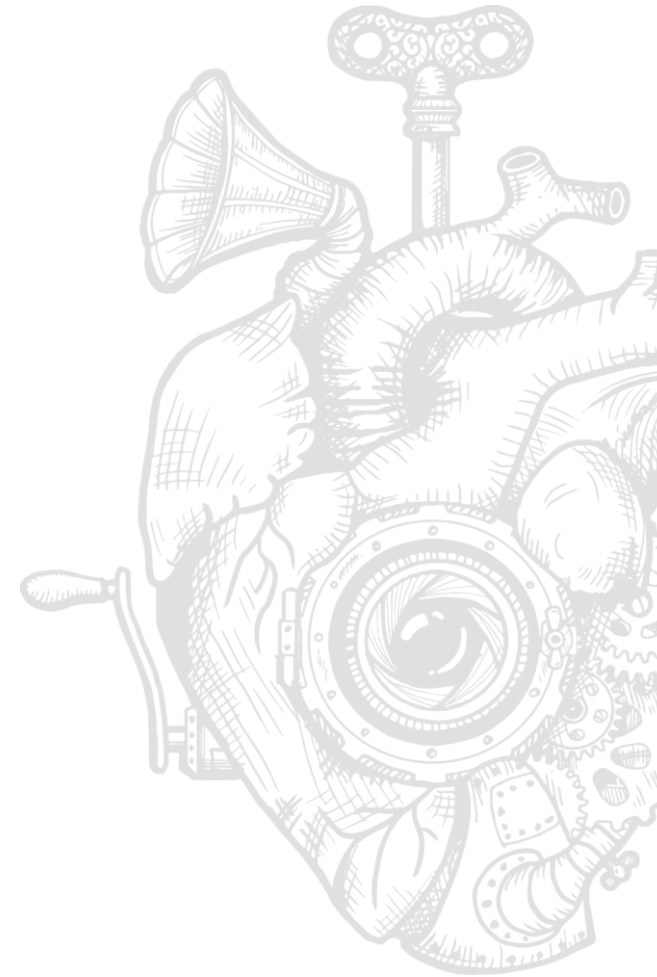
Qualification

Data Controller

= organisation that determines the **means** and **purposes** of the data processing

Data Processor

= organisation that processes data **on behalf of** the data controller and under the data controller's **specific instructions**
(Data Processing Agreement)

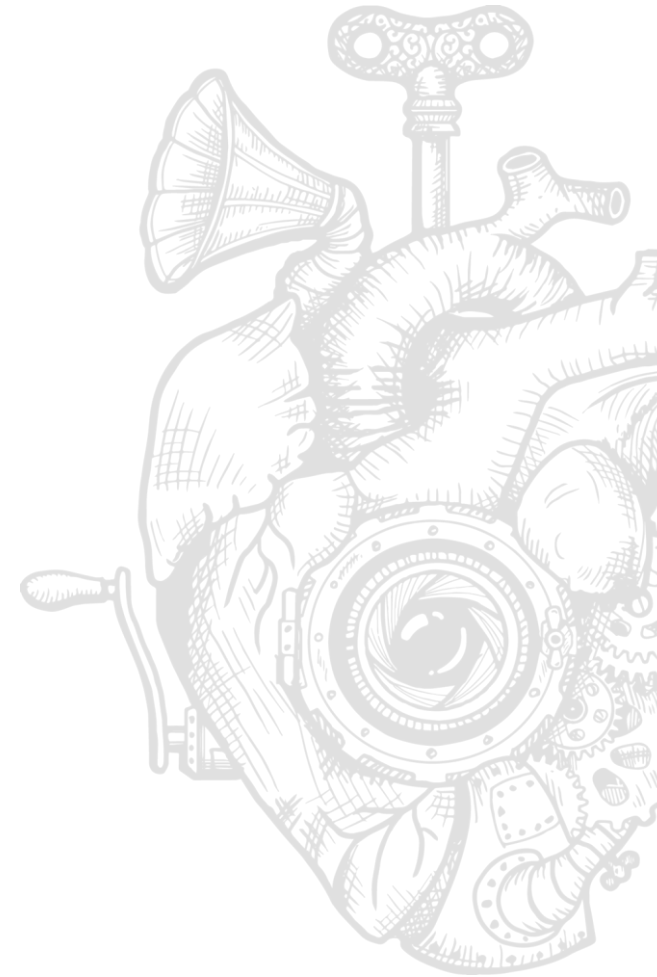


V. Transfer of Personal Data to 3rd Countries



Transfer of Personal Data to 3rd Countries

- Only when data is transferred outside of European Economic Area
- Data Transfer Impact Assessment needs to be conducted before transfer
- Standard Contractual Clauses (SCC) as annex to DPA
- Adequacy decision:
 - F.e. Israel, Canada, Switzerland, ...
 - F.e. United States
 - Max Schrems I & II & III (?)

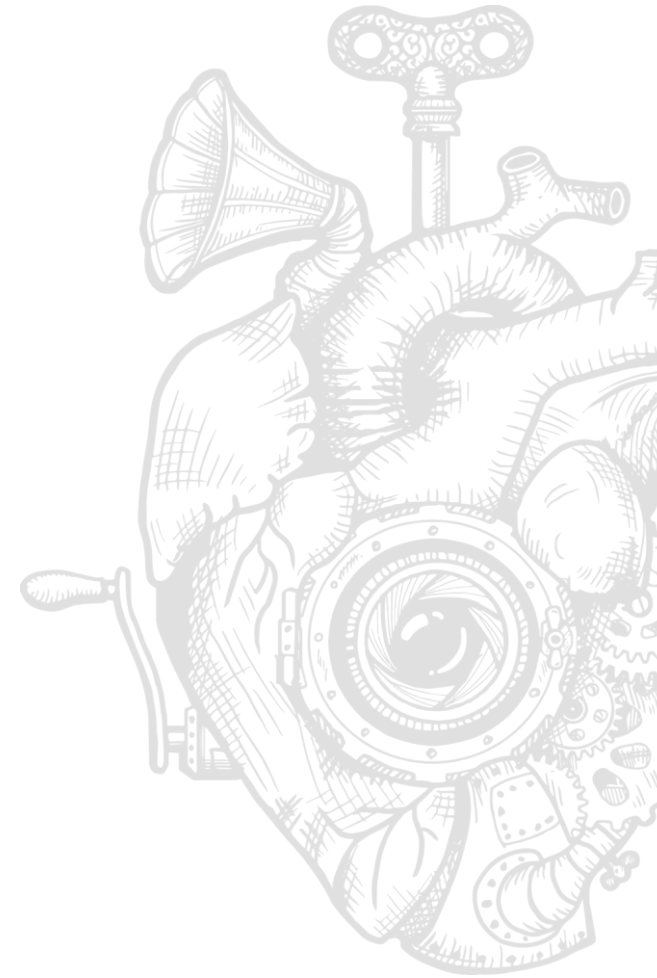


VI. Supervisory Authorities



Data Protection Authority

- Can investigate upon receipt of complaints or pro-actively
- Has a court that can impose fines
- Writes guidelines, drafts advices, formulates best practices
- Notification of Data Protection Officers (DPO)
- Notification of Data Breaches in case of severe incident
- Belgium: <https://www.dataprotectionauthority.be/>



VII. Remedies, Liability and Penalties

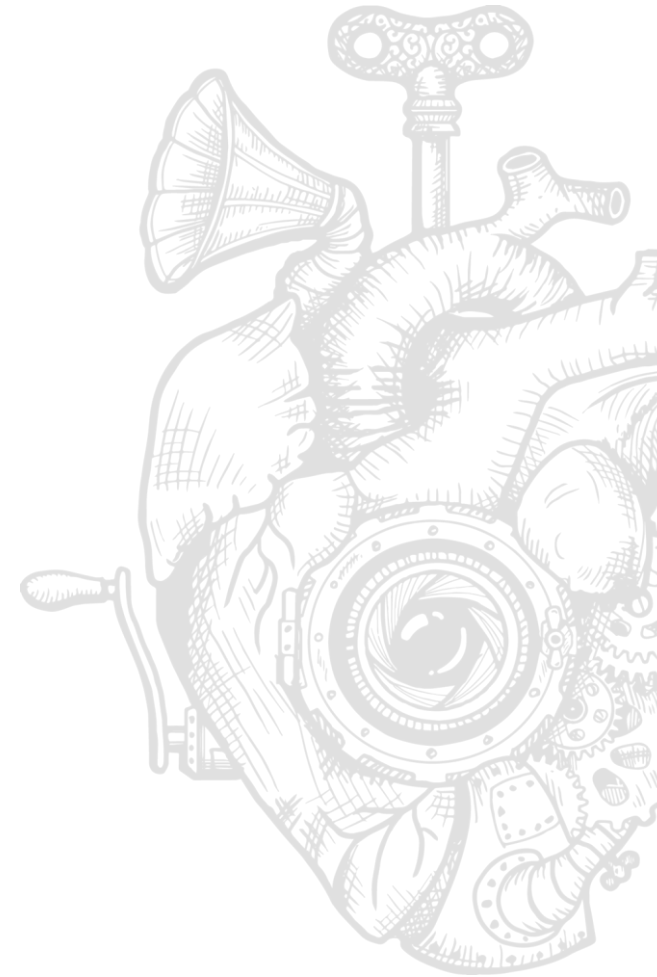


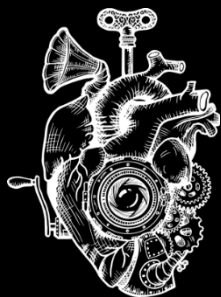
Penalties imposed by Supervisory Authority

There are two tiers of administrative fines that can be levied as penalties for non-compliance:

- Up to €10 million, or 2% annual global turnover – whichever is higher.
- Up to €20 million, or 4% annual global turnover – whichever is higher.

Infringements of the organisation's obligations, including reporting of data security breaches, will be subject to the lower level, Infringements of an individual's privacy rights will be subject to the higher level.





Questions?

Thank you!

WWW.IFORI.BE

IFORI GENT

Victor Braeckmanlaan 107
9040 Gent, Belgium
Tel: +32 9 230 36 62
Fax: +32 9 231 63 71
E-mail: info@ifori.be

FACTURATIEGEGEVENS

IFORI BVBA
RPR: 472.073.759 (Gent)
BTW: BE 472.073.759
IBAN: BE17 2900 5044 0021
BIC: GEBABEBB

Linking Domain A to other domains of the BOKS

Q&A

- ▶ Questions?
- ▶ Comments?



Planning upcoming webinars

- ▶ **BOKS Domain B:** Compliance Mechanisms

- ▶ Tuesday, 21 January 2025 at 11am CET

- ▶ Registration link:

- <https://events.teams.microsoft.com/event/eccc5ea3-f260-486a-906f-e15d98532d27@8b75739f-c4ad-49d3-baaa-74bbf671c99a>

- ▶ **BOKS Domain C:** Information Security

- ▶ Tuesday, 18 February 2025 at 11am CET

- ▶ **BOKS Domain D:** Action Plan – How

- ▶ Tuesday, 18 March 2025 at 11am CET

- ▶ **BOKS Domain E:** Privacy Culture – Human Perspective

- ▶ Tuesday, 15 April 2025 at 11am CET