ISSN: 1841-6195 (print); e-ISSN: 2067-8509 (electronic)

Jurnalul de Studii Juridice
Year XI, No. 3-4, December 2016, pp. 45-56

TRADITION AND INNOVATION IN THE PROTECTION OF PERSONAL DATA MATTER

Călina JUGASTRU

Covered in:
CEEOL, Index Copernicus, Ideas RePeC,
EconPapers, Socionet

How to cite: **Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.**

TRADITION AND INNOVATION IN THE PROTECTION OF PERSONAL DATA MATTER[1]

Călina JUGASTRU[2]

Abstract

The formula of the regulation is inspired for the protection of individuals concerning the processing of the personal character data, and the free movement of such data. Directive 1995/46 presented the disadvantage (inherent to the directives, in general) of the uneven application of its provisions in the national legislations. The regulation meets the mission to normatively harmonize and benefits from immediate, direct and priority application in the European states law.

We are interested, in this analysis context, only in the regulatory framework, which, face to face with Directive 1995/46, reveals undeniable progress, but also aspects that the future practice of processing personal data could qualify as imperfections. We emphasize below, some of the significant elements of similarity, respectively of differentiation, which are imposed from the first reading of the new normative act. The details and, especially, the complex explanations concerning the legal texts belong to some distinct analyzes.

Keywords:

protection of individuals concerning the processing of the personal character data, Regulation no. 679 and Directive no. 680 have as object the processing operations of personal data and reflect the review process (of Directive 1995/46).

[1] The Romanian language version will be published in the magazine *Universul Juridic [Juridic Universe]*, no. 2/2017.

[2] PhD Professor "Lucian Blaga" University of Sibiu "Simion Bărnuțiu" Faculty of Law, e-mail: jugastrucalina@gmail.com.

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

A necessary reform marked the year 2016, and the personal data matter received the finalizing of the discussions that were going on over four years, concerning some legislative acts found under the consideration of the specialized committees and of the civil society. "Packed together", Regulation no. 679 and Directive no. 680 have as object the processing operations of personal data and reflect the review process (of Directive 1995/46), the adaptation process (to the new realities generated by the massive use of new technologies) and the harmonization process (of the proposals made). The approximately 3999 amendments to the Regulation project (as the press release of the European Parliament states) demonstrate the interest for the personal data matter, the real intention to reform and, especially, the impact of processing the data over the fundamental rights and freedoms of individuals.

The formula of the regulation is inspired for the protection of individuals concerning the processing of the personal character data, and the free movement of such data. Directive 1995/46 presented the disadvantage (inherent to the directives, in general) of the uneven application of its provisions in the national legislations. The regulation meets the mission to normatively harmonize and benefits from immediate, direct and priority application in the European states law.

Not only Directive 1995/46 has suffered from this deficiency. Another example is Directive 2006/24, whose transposition laws have been significantly different. In addition, the origin problems of the Directive concerning the retention of the traffic data have led to its invalidation by the European legislator in 2014.

The necessity of legislating through the regulation is widely motivated and has as first foundation the ensuring of a consistent, high and uniform level of protection of rights and freedoms of the individuals across the Union. Removing the obstacles from the way of the data circulation has as optimal formula the regulation. While the framework-regulation will replace the application of Directive 1995/46 starting with May 2018, the data processing on the crime prevention, prosecution and enforcement of criminal sanctions segments is contained in the new Directive 680/2016, in force since May 2016. This latter one replaces the framework-decision 2008/977 / JAI of the Council and is concerned with the aspects specific to the criminal law and the criminal procedural law. To what extent the everyday reality of processing the personal data will reconcile the two regulations - through the way of regulation and through directive way- this is a matter that will be unraveled from their future enforcement.

We are interested, in this analysis context, only in the regulatory framework, which, face to face with Directive 1995/46, reveals undeniable

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

progress, but also aspects that the future practice of processing personal data could qualify as imperfections. We emphasize below, some of the significant elements of similarity, respectively of differentiation, which are imposed from the first reading of the new normative act. The details and, especially, the complex explanations concerning the legal texts belong to some distinct analyzes.

If we were to look, in a fly over, at the structure of the two normative documents (the new Regulation and the old Directive), the immediate observation has as scope the particular stretch of Regulation no. 679/2016. A composition of more than 100 pages customizes 173 considerations and almost 100 articles, with extensive vocabulary explanations and with details in the rights and obligations arsenal of the persons concerned / responsible, and also in the area of the profile authorities' competences.

The terminology used by the Regulations requires clarifications. The main concepts acquire a quantitative and qualitative plus in its content, grafted on the terminology enshrined in Directive 1995/46. The additions, respectively the adjustments of the concepts' content include aspects validated in the application of the Directive and remove certain difficulties of interpretation, previous to the Regulation. An example is the legal qualification of the key-notion "personal data"[3], which, in the listing of art. 4 pt. 1 of the Regulation, addresses the online identifiers, the genetic data, and the location data. All these explanations were necessary, because applying the old Directive for over 20 years has led to interrogations amid the consolidation and expansion of some communication means that were not palpable at the time of its adoption. The specialty doctrine talks about the vocation of the Directive of 1995 to also be applied to the internet and extracts from the texts of the Directive those provisions which contain allusions to its application in the internet (for example, art. 17), which states that the person responsible for the processing implements the appropriate measures for protecting the data, especially where the processing involves their transmission in a network. The trans-national character of the internet explains the fact that the Directive has also had as object the international transfers of personal data. (A. Lepage (2002):30).

The regulation makes sure that its provisions are incident to those elements from the virtual environment that identify the individual or that have the ability to make it identifiable. There is no doubt that the email

[3] The notion of „personal character data" includes any information concerning an individual identified or identifiable.

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

address, the electronic mail, the internet protocols (IP protocols[4], for example), the internet connections witnesses (*cookies*), the processings performed by the search engines after the names of persons, are subjected to the Regulation's provisions.

The genetic data have not been expressly mentioned in Directive 1995/46. The regulation states that it is "personal data related to the genetic characteristics inherited or acquired of an individual, which provide unique information concerning the physiology or health of the individual in question and which results especially from an analysis of a sample of biological material collected from the person concerned "(art. 4 pt. 13).

The location data are on the agenda, given that the distance communication technologies allow identifying the spatial coordinates under which the individual acts. All information concerning the location of the individual find their protection in the personal data legislation. The biometric data have also not been mentioned in the old regulation, but they enjoy a clear definition (art. 4 pt. 14 of the Regulation), including personal character data resulting from certain specific processing techniques concerning the physical, physiological or behavioral characteristics of an individual which allow or confirm the unique identification of that person, such as facial images or fingerprint data.

Also in the category of the terminology specifications, "the consent" (of the person concerned) has a definition qualitatively superior to that from the one in Directive 1995/46. The manifestation of will must be free, specific, informed and unambiguous. The mention that the acceptance from the person concerned is made by declaration or by an unequivocal action is useful in order to remove the presumption of consent. In the absence of the declaration or the positive, clear, unequivocal conduct, the will of the subject concerned is not presumed. This is, actually, the optimal solution for achieving the objectives proposed by the Regulation. One of these objectives corresponds to the technological advances and consists in creating the climate of confidence that will allow the digital economy to develop on the internal market ("marché unique du numérique").

[4] The European Court of Justice decided, in the case *Breyer c/a Bundesrepublik Deutschland* (2016), that an internet dynamic protocol address, recorded by a provider of electronic communications services following the consultation by a person of a website that this provider makes available to the public, constitutes, for the provider in question, a data with personal character, if it has legal means which enable it to identify the person targeted using the additional information that the internet provider of this person has. (http://curia.europa.eu/juris/document/document.jsf?text=&docid=184668&pageIndex=0&doclang=FR&mode=lst&dir=&occ=first&part=1&cid=1025819, page consulted at January 20, 2017).

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

Then, the topographic distribution of the notional explanations must be sought in both the legislative part, and also in the explanatory memorandum of the Regulation. With the mention that they do not have legal force, some considerations contain definitions that are not found in articles 1-99 or they supplement certain definitions of the terms (for example, the definitions of the genetic data - recital 34, the data on health - recital 35, the main establishment - recital 36).

From the perspective of the citizens, persons targeted by processing – guaranteeing the exercise of a number of rights is indispensable. The Regulation maintains and enriches the content of some of the rights consecrated in Directive 1995/46 and introduces new rights, adapted to the effective protection of private life. The right to information (including by notification method), the right to opposition and the right to rectification, without unreasonable delays, originate from the provisions of the Directive.

The "absolute" news in rights matter are the right to data portability and the right to limit (restrict) the processing, under strictly determined conditions. Also, the right to erase the data or "the right to be forgotten" was enshrined as such through the Regulations (art. 17). In the Directive 1995/46, this prerogative was only evoked in the context of the right to access of the person concerned. It was provided that the member states shall ensure the person concerned the right to obtain, from the person responsible, as appropriate, the rectification or deletion of the data, when their processing is not in compliance with the Directive, especially in the case of incomplete or inaccurate data (art. 12 letter b).

"Le droit à l'oubli" is one of the new guarantees of protecting the private life, and its connotations are unique for the cyberspace. The regulation contains the reasons that found the request of the person concerned for deleting the data concerning it, and also the exceptions that legitimize data retention. In particular over the internet, "the traces" that the user sprinkles during browsing, determine a strictly supervised regime of the personal information processing. The search engine era opens breaches in the privacy of the internet user, who assists at collecting, storing and disclosing the data concerning it - sometimes without its expressed consent for carrying out those operations.[5] (E.Tăvală (2015): 216-226) The individual may lose control over the personal data circulated online.

[5] As long as the user agrees to provide the site personal data (by completing and validating a form, by the manifestation of consent for storing information, if this agreement is requested etc.), the cookies are lawful. On the contrary, the collection of personal data without the consent of the browser falls under the illicit sphere.

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

In the preliminary ruling procedure, the European Court of Justice enshrined the user's right to request the deletion of the personal data concerning it from the search engines.[6] The case is relevant to what data processing and responsible for the processing in the numerical space means.[7] The complaint lodged by a Spanish citizen against the Spanish Data Protection Agency, the editor of the newspaper *La Vanguardia*, Google Spain and Google Inc., highlights a fact state which occasioned the preliminary reference. Introducing the applicant's name in the search engine of the Google group resulted in displaying links towards two pages of the newspaper *La Vanguardia* (listed in the year 1998), which exposed a sale ad auction of some immobile in an enforcement proceeding initiated in order to recover the applicant's debts at the social security. At the time of introducing the complaint, the enforcement proceeding was a thing of the past, being ended many years ago, so that mentioning the facts appeared irrelevant. Based on this, the applicant requested - to Vanguardia, the removing or changing of the pages or using the instruments made available by the search engines, so that his personal data no longer appear, and to Google – to eliminate or obscure (hide) his personal data, so that it disappears from the search results and from the Vanguardia links. Google Spain and Google Inc. attacked the solution of the Authority for data protection; on this occasion the Audiencia National formulated a number of questions to the Court of Justice (the complaint was dismissed against Vanguardia).

The Court of Luxembourg has analyzed the operations involved in the search engines activity and has offered the definition of processing the personal character data through the search engines. Thus, by exploring automatically, consistently and systematically the information published in the internet, the search engine operator performs a data collection under the Directive (Directive 1995/46 was applicable). In addition, the operator proceeds at extracting, recording, organizing this data in its indexing programs, stores them on its servers, disclosing and making them available

---

[6] See, *La justice européenne condamne Google à offrir un droit à l'oubli*, material available on the website: **http://www.liberation.fr/ecrans/2014/05/13/la-justice-europeenne-condamne-google-a-offrir-un-droit-a-l-oubli_1016143** (accessed at January 7, 2017). The French press states that on March 24, 2016, Google recorded 400000 requests, examined more than 1,4 million links and supressed 42,6% of them (A. Guitton, *«Droit à l'oubli»: la Cnil inflexible face à Google*, material available on the page: **http://www.liberation.fr/futurs/2016/03/25/droit-a-l-oubli-la-cnil-inflexible-face-a-google_1441904**, consulted at January 7, 2017).

[7] See the Press release no. 70/2014, in the case C-131/12, *Google Spain SL, Google Inc./Agencia Española de Protección de Datos, Mario Costeja González* (available at the address http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-05/cp140070ro.pdf, consulted at January 9, 2017).

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

to users in the form of result lists. Whether or not they are explicitly mentioned in the directives, these operations must be qualified as "processing of personal data". The qualification remains that of data processing, even if the information in question had been published previously in the media. It is shown that a general derogation in such a case would deprive the directive from its meaning.

The decision of the Court defined the search engine operator as being the operator of personal data processing, given the fact that it is the one who determines the purposes and means of the search. Since the search engines' activity joins the websites' publishers one and is likely to significantly affect the fundamental right to privacy and the fundamental right to personal data protection. The operator is required to ensure (during its responsibilities, powers and possibilities) that this activity is in line with the Directive. By the virtue of its liability, the search engine operator is obliged, under certain conditions, to remove from the search' results which is based on the person's name, the links towards websites published by third parties, pages that contain information about that person.

The motivation for interfering in the private life is pertinently formulated. The processing of the personal data carried out by the search engine operator allows any internet user to form (through the list of results obtained following the search made starting from the name of the person) a structured idea regarding the information that can be found on the internet about that person. This information potentially reaches a wide range of aspects relating to the private life, information that could not have been combined or could have hardly been combined without the help of the search engine. Thanks to it, users have access to a profile - more or less complete - of the person sought. The interference effect in private life is aggravated due to the important role that the search engines have in the modern society, these offering a ubiquitous character to the information from the search lists. The European court found that the potential seriousness of the interference cannot only be justified by the economic interest of the search engines' agent-operator.

The public's right to information must be in a right balance relationship with the right to respecting the private life of the person concerned. Although the rights of the person concerned prevail, as a general rule, over the legitimate interest of the public to be informed, in particular situations, the balance may also depend on the nature of the information in question and on the sensible character of it regarding the private life of the person concerned. The public's interest to dispose of the information in question may vary, especially depending on the role played by the person mentioned in the public life. The links to the websites that contain the

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

information in question must be eliminated from the list of results, on the basis that, given all the circumstances specific to the case, such information is inadequate, are no longer relevant, or are excessive in relation to the processing purposes in question realized by the search engine operator. Only by exception, if there are special reasons (the role played by this person in public life, for example), that would justify a preponderant interest of the public to have access, under such a search, to the information in question, it can be kept (D.-M. Şandru (2015):42-43; N.D. Costescu (2016):64-71).

We believe that the right to oblivion perfectly corresponds to the determined finality principle of the personal data processing and to the proportionality principle. Once it is allowed the opposition to the processing of personal data, the retraction at any time of the consent to data processing, it is only natural for the right to delete such data, after their processing, to be operated.

Also on the line aspects of novelty, the set of obligations imposed on the persons responsible knows some adjustments compared with Directive 1995/46. The legislator's intention is to increase the accountability degree of the individuals and of legal entities that process personal data, so that the rights and freedoms of those affected do not suffer prejudice. Any processing is lawful if it respects the rule of consent. Exceptional and limitative, the Regulation mentions the cases where the operations specific to processing may be conducted without the agreement of the person concerned. It appears the obligation of the responsible / authorized person to keep evidence records of the processing activities. Also, the insurance obligation statement of the data security is accompanied by specifying some of the technical and organizational measures to which the operator may resort, so that the security level to be appropriate to the risk (pseudonymization, encryption, testing, evaluating and periodically assessing the effectiveness measures, etc.).

Among the aspects to be looming auspicious, the strengthening of the data security obligation and the data protection even from the time of conception (among others, by minimizing the data), are included. Also, the impact study previously to performing the processing is opportune, indicating some elements that would ensure transparency and guarantee the protection of private life. Assessing the impact will include, among others, assessing the risks for the rights and freedoms of the persons concerned, and also describing the security measures and the mechanisms meant to ensure the protection of personal character data (art. 35 par. 1).

One of the issues discussed is the "legitimate interest", which allows processing without the consent of the person concerned. We note that the rule established by the Regulation is conducting the collection, recording,

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

organization, structuring, storage, adaptation, modification, extraction, consultation, use, disclosure operations etc., only in the presence of the concerned person's consent. By exception, according to article 6, par. 1, letter f, the processing is lawful if and to the extent that "it is necessary for the legitimate interests pursued by the responsible person or by a third party." The quoted text does not apply if the interests, fundamental rights and freedoms of the person concerned which require data protection, prevail; particularly when the one targeted is a minor. Art. 6, par. 1, letter f does not apply when the processing is made by the public authorities when carrying out their duties.

Recital 47 brings explanations, showing that, this legitimate interest could exist, for example, if the person concerned is a client of the operator or in the case of direct marketing. Indeed, finding the existence of a legitimate interest requires, as it is stated by the preamble, a careful assessment, which would also determine whether a person targeted can predict, reasonably, at the time and in the context of data collection, the possibility of processing for this purpose.

This exemption based on the legitimate interest of the person responsible or of the third party, can sometimes leave the rule of the consent unimportant. The notion of "legitimate interest" is broad and insufficiently determined in the context of personal data processing. Under the shelter of the legitimate interest of the operator or of the third party, some processing can touch the private life or other fundamental rights or freedoms. The exemption also existed in Directive 1995/46, with the same wording. As it was pointed out in the doctrine, it balances two opposing interests (the legitimate interest, respectively the rights and freedoms of the person concerned) . (A. Lepage (2002):31). The ambiguity and lack of criteria for determining it seem to tilt the balance towards the interest of the market, of the operator, which usually has means capable to assert its interests, unlike the citizen whose personal data is processed. (A. Lepage (2002):31). We believe that the example from preamble, concerning the direct marketing which can constitute a legitimate interest, should be carefully examined. The direct marketing has multiple embodiments. It is one of the conditions of the market success of entrepreneurs operating in the online environment, and transmitting commercial messages is a common way to materialize. The direct marketing, justified by the legitimate interest of the person responsible must be managed appropriately, as the transmission (massive) of unsolicited commercial messages is placed at the border of *spam* (V. Rossonni (2004):5)

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

[8]. The real protection of the consumer requires the application of the input option system (*option-in*)[9], which involves that any commercial message promoting products and services to have the prior consent of the recipient. Otherwise, the user's virtual privacy will remain a purely theoretical concept.

The main argument for which the direct marketing should not be covered by the phrase "legitimate interest" is the one of protecting the private life. In addition, some transposition laws of the European directives concerning the electronic commerce (Directive 2000/31) and the protection of privacy in the electronic communications sector (Directive 2002/58) consecrate the consent system prior to sending the commercial communications. For example, law no. 365/2002 on the electronic commerce[10] contains detailed provisions in this regard. In order to protect the private life and electronic mail confidentiality, are prohibited the commercial communications made via email if the recipient has not given his prior express consent in this regard[11].

---

[8] The definition for the *spam* provided by the French Commission „Informatics and liberties" focuses on a few criteria for identifying it: massive sending; by e-mail; the absence of the prior contact between the sender and recipient; the illegal collection of email addresses (V. Rossonni,). Other definitions have emphasized the commercial nature of the messages sent, meaning broadcasting messages with promotional or advertising purpose within discussion groups or through electronic mail (*Dictionnaire juridique des termes techniques*, Lamy Droit des médias et de la communication, édition novembre 2001, tome I, p.47).

[9] The regimes envisaged for managing *spamming* involve some specifications in relation to the marketing strategies commonly used. The virtual market knows two main ways to promote products and services. The first system is *option-in (opt-in),* meaning the input option system. Its characteristic is prohibiting, as a rule, the shipping of commercial messages towards users, unless they expressly give their consent within the meaning shown. Among the methods commonly used for expressing the consent, is included the registration on waiting lists, public or private, as they are administered by a public authority or even by the traders. At the opposite pole lies the *option-out (opt-out*) or the output option system, which involves sending unsolicited messages, even without the consent of the recipient. Users can intervene either by expressing their refusal to receive a certain category of messages (after subscribing to a list of avoidance, public or private) or by withdrawing the e-mail address off the distribution list of senders. This regime favors unwanted interference in the private life even if, this time, it is in question the cyberspace.

[10] The law of the electronic commerce was publiched in the Official Gazette no. 483/5.07.2002.

[11] The commercial communications are considered services of the informational society, respectively provision of services activities involving the creation, alteration, transfer or termination of a real right over a tangible or intangible asset, activities that fulfill four cumulative conditions: are carried out by means, remotely, in the consideration of a patrimonial use and at the individual request of the recipient (art.1 pct.1 of Law no. 365/2002).

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

Selective bibliography

N,. D., Costescu. (2016), *Google Spain Decision – An Analysis of the Right to be Forgotten – A Regression from Past Interpretaions of ECJ*, in the *Annals of the Bucharest University*, Law Series.

C., Jugastru. (2017), *Tadition and innovation in the protection of personal data matter*, Universul Juridic, Bucuresti, [Juridic Universe], no. 2.

A., Lepage. (2002), *Libertés et droit fondamentaux à l'épreuve de l'internet*, Litec, Paris.

V., Rossonni. (2004), *Publicité indésirable et nouvelles technologies. Étude du «spamming» en droit comparé,* Mémoire, Université Robert Schuman, Strasbourg III.

D.-M., Şandru. (2015), *Regimul juridic al protecţiei datelor cu caracter personal este în proces de regândire*, în *Revista Română de Drept al Afacerilor,[The legal regime of protecting the personal character data is in the process of rethinking, in the Romanian Journal of Business Law]*, no. 3.

E., Tăvală. (2/2015) *Religia la locul de muncă în jurisprudenţa Curţii Europene a Drepturilor Omului*, in Acta Universitatis Lucian Blaga, Seria Iurisprudentia, no. 2.

Dictionnaire juridique des termes techniques, *Lamy Droit des médias et de la communication*, édition novembre 2001, tome I,

Web

http://curia.europa.eu/juris/document/document.jsf?text=&docid=184668&pageIndex=0&doclang=FR&mode=lst&dir=&occ=first&part=1&cid=1025819, page consulted at January 20, 2017).

La justice européenne condamne Google à offrir un droit à l'oubli, material available on the website: http://www.liberation.fr/ecrans/2014/05/13/la-justice-europeenne-condamne-google-a-offrir-un-droit-a-l-oubli_1016143 (accessed at January 7, 2017).

The French press states that on March 24, 2016, Google recorded 400000 requests, examined more than 1,4 million links and supressed 42,6% of them (A. Guitton, *«Droit à l'oubli»: la Cnil inflexible face à Google*, material available on the page: http://www.liberation.fr/futurs/2016/03/25/droit-a-l-oubli-la-cnil-inflexible-face-a-google_1441904, consulted at January 7, 2017).

Press release no. 70/2014, in the case C-131/12, *Google Spain SL, Google Inc./Agencia Española de Protección de Datos, Mario Costeja González* (available at the address http://curia.europa.eu/jcms/upload/docs/

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.

application/pdf/2014-05/cp140070ro.pdf, consulted at January 9, 2017).

Jugastru, C. (2016). Tradition and innovation in the protection of personal data matter. Jurnalul de Studii Juridice, Year XI, No. 3-4, December 2016, 45-56.