

Cross-border data flows from the EU: Data protection and the right to privacy

Abstract

This thesis discusses the legal concepts of privacy and personal data protection, the EU legal framework, specifically the relevant primary law and secondary EU law such as the Data Protection Directive and the General Data Protection Regulation. The thesis further examines the concept of international transfers of personal data outside the European Union and the legal basis for such transfers, as regulated by the GDPR, its different methods and their comparison in relation to their scope and specific use. The author considered the definition of the adequacy decision, the process of granting such a decision and its criteria to be essential. Subsequently, the thesis dealt with the presentation of appropriate safeguards as alternative methods of international transfers of personal data under EU law.

The focus of the thesis is to introduce the third country regime using the example of the United Kingdom of Great Britain and Northern Ireland as a former EU Member State. In this respect, the thesis examines the development of UK data protection law in terms of international data transfers after Brexit. The thesis has looked into the negotiations between the UK and the EU on their trade and cooperation agreement. Particular attention has been paid to defining the conditions for maintaining adequate data protection after the UK has departed from the EU legal framework for data protection.

Finally, the author concludes the thesis by examining the specific adequacy decision granted to the UK by the European Commission and its likely future stability. The author focuses on the question of possible future approaches to ensuring an adequate level of protection for personal data, which could have a major impact on the trade and cooperation regime between the European Union and the United Kingdom in the future.

The author believes that conducting such an analysis and synthesis and subsequent evaluation has enabled the conditions and necessary arrangements for international transfers of personal data outside the European Union, in particular to the United Kingdom, to be analysed and clarified in depth. Furthermore, the author believes that the process of negotiating a future trade and cooperation regime, as described in the case of the United Kingdom, can serve as a reference example for the future, should such a situation be repeated in the EU.

Keywords: Data protection, EU law, international data transfers, Brexit, personal data protection in the UK, Brexit, data protection adequacy, adequacy decision