

Fundamentals of data protection and regime of protection of personal data

Academic Year: (2023 / 2024)

Review date: 27-04-2023

Department assigned to the subject: Pascual Madoz Institute of Land, Urbanism and Environment

Coordinating teacher: SERNA BILBAO, MARIA NIEVES DE LA

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Those required by the master program

OBJECTIVES

The development of this subject pursues the following objectives:

- Be able to know, identify, understand and use in practice the essential principles in this matter.
- Differentiate the right to data protection from other fundamental rights such as privacy and image
- Know the background of the matter and the existing regulation at the international level
- Identify personal data and the requirements for its treatment in accordance with current regulations
- Differentiate personal data from non-personal data and the existing regulation in each case
- Know the requirements for personal data to be transferred in the EU and outside the EU
- Identify the rights that can be exercised in this matter and their resources and defense
- Know how to search and know the AEPD and regional websites.

DESCRIPTION OF CONTENTS: PROGRAMME

. Fundamentals of Data Protection and System Protection of Personal Data (3 ECTS) .

1. Fundamentals of data protection.
2. The purpose of data protection .
3. Principles on data protection .
4. Management of personal data.

LEARNING ACTIVITIES AND METHODOLOGY

FORMATION ACTIVITIES

Theoretical-practical classes.

Search for training materials, such as jurisprudence, resolutions, etc. and comprehension and exposition works

Individual or group work of the student, presentation, defense, etc.

It is important that students participate actively in the sessions. Being a master in person, attendance at the classes will be essential to qualify the student. The attendance determined in the regulation of the Master and in GLOBAL AULA must be met to be evaluated.

TEACHING METHODOLOGIES

The methodology that will be followed in this subject will be the following:

Exhibitions in class of the different professors with support of computer and audiovisual media, in which the main concepts of the subject are developed and the bibliography is provided to complement the students' learning.

Critical reading of texts recommended by the professor of the subject: Press articles, reports, resolutions, manuals and / or academic articles, either for further discussion in class, or to expand and consolidate the knowledge of the subject

Resolution of practical cases, problems, etc. raised by the teacher individually or in groups

Exhibition and discussion in class, under the teacher's moderation, of topics related to the content of the subject, such as jurisprudence, legislation, resolutions, etc.

Preparation of papers and reports individually or in groups, with information search by the student

TUTORIALS:

Students will have access to tutorials with the person responsible for the coordination of the subject.

The purpose of tutoring is to organize the teaching and learning processes based on the interaction between the student and the teacher with the purpose of:

- (i) Direct the students' autonomous and group work
- (ii) Deepen in different aspects of the subject
- (iii) Guide the academic and integral formation of the student.

The tutorials will be held at the time and under the conditions determined by the teacher in Aula Global.

If new extraordinary measures are adopted that require distance teaching, it will continue to be taught under the same conditions initially foreseen (with the same programming, methodology, activities, etc.), although all practical sessions will be taught online .

ASSESSMENT SYSTEM

The mission of the evaluation is to know the degree of fulfillment of the programmed objectives. In this sense, it is necessary to indicate that the Master in Telecommunications Law, Data Protection, Audiovisual and the Information Society is a program that is taught in person, since the attendance of the student is considered essential to access and understand the knowledge and experiences transmitted by the different professors participating in the master who have an important professional and academic career in the subject developed.

From this consideration, it is necessary to highlight that the final grade of the students that seeks to value the knowledge acquired through the subject evaluation system that combines the following activities and percentages:

(i) Final Exam (50%). There will be an individual knowledge test, related to the main concepts developed during the sessions, with questions developed by the different teachers who have taught the sessions.

(ii) Carrying out individual activities or work during the course (50%): Various activities will be weighted, such as solving practical cases; search for different documentation indicated in advance and worked on; exposition and defense of the worked materials; reading of bibliography and summary of his exposition.

Students are required to attend all the theoretical and practical classes that have been scheduled. Only a maximum of 15 percent of the classroom hours (not of the sessions or days) in each subject may be absent without just cause. In case of excused absences, the total maximum will be 25 percent. If the student incurred a lack of attendance higher than those indicated, they will be scored with a "0" in the continuous evaluation. Likewise, absences below these percentages may be taken into account when modulating the continuous assessment grade downwards, especially if it includes a participation note.

Activities not carried out during the continuous evaluation will be rated with a 0. The final grade obtained may be adjusted by the teacher (up to a maximum of one point) depending on participation and class interventions.

Each teacher may require a minimum grade in the final exam in their group to carry out the global evaluation, provided that it is expressly indicated at the beginning of the term, through Aula Global or any other means.

The evaluation in the extraordinary call, if the student followed continuous evaluation, he will have the right to be taken into account the grade of the same (whenever it benefits him), and if he did not follow it, he will have the right to take a final exam with a value of 70 % of the total grade of the subject.

Students who do not take the final exam, either in the ordinary or extraordinary call, will appear as not presented.

In the event that extraordinary measures are adopted that require distance teaching, the evaluation system will be maintained in the same terms, although the teacher may adapt the activities of the continuous evaluation initially scheduled. In this situation, the teacher will determine the conditions for taking the final exam at a distance, which, as far as possible, will remain the same as originally planned.

% end-of-term-examination:	50
% of continuous assessment (assignments, laboratory, practicals...):	50

BASIC BIBLIOGRAPHY

- Lucas Murillo de la Cueva, Pablo La protección de datos en la administración electrónica, edit. Civitas, 2009

- APARICIO SALOMON JAVIER Estudio sobre la protección de datos., ARANZADI, 2019
- ARTEMI RALLO Tratado de protección de datos, TIRANT, 2019
- DIRECTOR: JOSE LUIS PIÑAR MAÑAS Reglamento general de protección de datos Hacia un nuevo modelo europeo de protección de datos , REUS, 2017
- HERNÁNDEZ LÓPEZ, JOSÉ MIGUEL EL DERECHO A LA PROTECCIÓN DE DATOS EN AL DOCTRINA DEL TRIBUNAL CONSTITUCIONAL, Aranzadi, 2015
- MIGUEL RECIO GAYO Protección de datos personales e innovación: ¿(in)compatibles? , REUS, 2016
- RICARD MARTINEZ MARTINEZ Los tratamientos de datos personales en la crisis del COVID-19. Un enfoque desde la salud pública, Diario La Ley, ISSN 1989-6913, Nº 9604, 2020, 2020
- RICARD MARTINEZ MARTINEZ ¿Minusvaloramos la Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales?, Diario La Ley, ISSN 1989-6913, Nº 9329, 2019, 2019
- TRONCOSO REIGADA DIRECTOR COMENTARIO RGPD Y LOPDGDD, THOMSON, 2021
- VVAA Comentario a la Ley orgánica de protección de datos de carácter personal , CIVITAS, 2011
- VVAA Protección de datos Comentarios al Reglamento de Desarrollo de la LOPD, TIRANT, 2008
- VVAA Protección de datos Comentarios al Reglamento de Desarrollo de la LOPD, TIRANT, 2016 ISBN: 978-84-290-1936-0
- VVAA Comentario al Reglamento General de Protección de Datos y a la Ley Orgánica de Protección de Datos personales y Garantía de los Derechos Digitales, Civitas, 2021, ISBN: 978-84-9197-927-2, 2021
- eur lex europa RGPD, <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX%3A32016R0679>, 2016

ADDITIONAL BIBLIOGRAPHY

- J. Verdaguer López Todo Protección de Datos 2012, CISS,, 2012
- P. LUCAS MURILLO DE LA CUEVA La Protección de los Datos de carácter personal en el Horizonte de 2010¿,, Anuario de la Facultad de Derecho, núm. 2, págs. 131-142, 2009
- R. MARTÍNEZ MARTÍNEZ, (Coord.), DERECHO Y CLOUD COMPUTING, EDIT. CIVITAS, 2012
- SUPERVISOR EUROPEO DE PROTECCION DE DATOS Resumen de conclusLa política y la gobernanza de internet; el papel de Europa en la configuración de la gobernanza de internet¿, SUPERVISOR EUROPEO DE PROTECCION DE DATOS, 2014

BASIC ELECTRONIC RESOURCES

- (de la Serna, MN., Fonseca, F., Galán C.) . Derecho de las Tecnologías de la Información: <http://ocw.uc3m.es/derecho-administrativo>
- AGENCIA ESPAÑOLA PROTECCIÓN DE DATOS . AGENCIA ESPAÑOLA PROTECCIÓN DE DATOS: <http://www.agpd.es/>
- AGENCIA VASCA DE PROTECCION DE DATOS . AGENCIA VASCA DE PROTECCION DE DATOS: <http://www.avpd.euskadi.eus/s04-5213/es/>
- AUTORIDAD CATALANA DE PROTECCION DE DATOS . AUTORIDAD CATALANA DE PROTECCION DE DATOS: <http://www.apd.cat/es>
- COMITÉ EUROPEO DE PROTECCIÓN DE DATOS . UE: https://europa.eu/european-union/about-eu/institutions-bodies/european-data-protection-board_es
- GRUPO DEL ART. 29 . UE: http://ec.europa.eu/justice/data-protection/article-29/index_en.htm
- Información sobre Datos Personales de la Unión Europea: . UE: <http://www.europarl.europa.eu/news/es/top-stories/content/20130901TST18405/html/Proteccion-de-datos>