

Data Protection in the Judiciary

New EU rules and best practice
in the Member States

Vienna, 18-19 October 2018



OGH DER OBERSTE
GERICHTSHOF



Key topics

- The right to data protection: legal basis and requirements
- Specificities of the General Data Protection Regulation (GDPR) in the area of justice
- The Directive for data protection in the police and justice sectors
- How to safeguard data protection in the courts
- Cross-border judicial cooperation and interplay with data protection

Languages

English, German
(with simultaneous interpretation)

Event number

118095

Seminar Location

Supreme Court of Justice
Ceremonial Hall
Schwennbühlplatz 1
10101 Vienna

Organisers

ERA (Dr. Angelika Buchner) in
cooperation with the Supreme Court
of Justice of the Republic of Austria
in the framework of the Austrian
Presidency of the Council of the EU

Thursday, 18 October 2018

08:30 Arrival and registration of participants

09:15 **Opening of the conference**

*Elisabeth Lovrek
Angelika Fuchs*

I. SETTING THE SCENE

Chair: *Elisabeth Lovrek*

09:30 **The right to data protection: GDPR, national laws and ePrivacy – scope and interplay of the legal acts**

Georg Kodek

10:00 **Ensuring data protection through European courts: revisiting the Luxembourg and Strasbourg jurisprudence in the light of the GDPR**

Els Kindt

10:30 Discussion

11:00 Coffee break

II. THE GENERAL DATA PROTECTION REGULATION (GDPR)

Chair: *Wolfgang Schramm*

11:30 **Data subject rights and principles of personal data processing: key novelties under the GDPR**

Sebastian Bretthauer

11:50 Discussion

12:00 **ROUND TABLE**

Specificities of the GDPR in the judiciary: how to cope with the new principles?

- The data protection officer and the courts acting in judicial capacity
- Competence of supervisory authorities
- “Specific bodies” ensuring compliance with GDPR

*Horst Heberlein
Sir Mark Warby
Peter Bauer*

13:00 Lunch

III. DATA PROTECTION IN THE POLICE AND JUSTICE SECTORS

Chair: *Eva Marek*

14:30 **The new “Police Directive” 2016/680: streamlined rules for the processing of personal data by law enforcement**

Daniel Drewer

15:00 **Criminal investigations, cloud computing and data protection**

Paul Van den Bulck

15:30 Discussion

16:00 Coffee break

Objective

This conference will

- analyse the new EU data protection scheme and its application in the judiciary;
- provide a platform for comparison of national rules and best practice in the Member States;
- facilitate contacts and exchange between national judges, staff of data protection authorities and justice administrations as well as legal practitioners from various Member States.

Who should attend?

Judges, staff of data protection authorities and justice administrations, prosecutors, police officers, data protection lawyers, EU and national civil servants.

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to 9 CPD hours

Accommodation

You may book your room in the following hotels at special conference rates:



Fleming's Selection Hotel Wien-City
Rates from € 135
<https://www.flemingshotels.com/>
+43 1 205 99-0



Hotel Sans Souci
Rates from € 189
<https://www.sanssouci-wien.com/>
+43 1 522 25 20

Please contact the hotel directly to make your reservation and indicate the event you will attend.

- 16:30 **Data retention, mass surveillance & big data**
- Recent CJEU and ECtHR case law
 - Judicial involvement in authorisation and oversight of surveillance measures
 - Admissibility of evidence
 - Privacy-preserving surveillance
- TJ McIntyre*
Sebastian Bretthauer
- 17:00 Discussion
- 17:30 End of first conference day
- 19:00 Conference dinner

Friday, 19 October 2018

IV. DATA PROTECTION IN THE COURTS

Chair: *Rimvydas Norkus*

- 09:15 **ROUND TABLE**
Digital reboot and data protection: a closer look at the judiciary in the Member States and the Court of Justice of the EU
- Access to case files
 - Camera in the courtroom
 - Anonymisation of court decisions
 - Press releases
- Marc van der Woude*
Sabine Hackspiel
Lord Tyre
Jürgen Rassi
Grzegorz Borkowski

11:00 Coffee break

Chair: *Gottfried Musger*

- 11:30 **The role of the judge within the GDPR**
Romain Robert
- 11:45 **ROUND TABLE**
Strengthening cross-border judicial cooperation and communication: how to comply with data protection rules
- Insolvency law: *Bob Wessels*
 - Family law: *Sabine Brieger*
 - Succession law: *Eve Pötter*
- 12:45 **CLOSING SPEECH**
Remaining challenges for data protection in the judiciary
Eva Souhrada-Kirchmayer
- 13:15 End of the conference

For programme updates: www.era.int
Programme may be subject to amendment.

Evening programme

On the evening of 18 October you are invited to a reception followed by a dinner in the Palace of Justice with a splendid view over Vienna.



Contact persons



Dr Angelika Fuchs
Head of Section
European Private Law
afuchs@era.int



Christiane Schmitz
Assistant
cschmitz@era.int

Save the date

Summer Course on European Data Protection Law
Trier, 10-14 September 2018
418B13

From Transnational Principles to European Rules of Civil Procedure
(in cooperation with the European Law Institute and UNIDROIT)
Trier, 26-27 November 2018
118DP09

Speakers

Peter Bauer, Judge at the Vienna District Court, Expert in the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, Vienna

Grzegorz Borkowski, Judge, Head of Office of the National Council of the Judiciary in Poland, Warsaw

Sebastian Bretthauer, Senior Lecturer at the Goethe University, Frankfurt

Sabine Brieger, Family Judge, Network Judge in the Hague Network of Judges and in the European Judicial Network, Berlin

Daniel Drewer, Data Protection Officer, Europol, The Hague

Sabine Hackspiel, Director of the Research and Documentation Directorate, Court of Justice of the European Union, Luxembourg

Horst Heberlein, Data Protection Unit, DG Justice and Consumers, European Commission, Brussels

Els Kindt, Postdoctoral Researcher, Centre for IT & IP Law, KU Leuven; Associate Professor, University of Leiden

Georg Kodek, Judge at the Austrian Supreme Court, Professor at the University of Economics and Business, Vienna

Elisabeth Lovrek, President of the Supreme Court of Austria, Honorary Professor at the University of Vienna

Eva Marek, Vice-President of the Supreme Court of Austria, Vienna

TJ McIntyre, Lecturer, University College Dublin; Barrister, Solicitor, Member of the New York Bar; Chairman of 'Digital Rights Ireland', Dublin

Gottfried Musger, Judge at the Austrian Supreme Court, Vienna

Rimvydas Norkus, President of the Supreme Court of Lithuania; Professor at the Mykolas Romeris University, Vilnius

Eve Pötter, Legal Adviser, Estonian Chamber of Notaries, Tallinn

Jürgen Rassi, Judge at the Supreme Court of Austria, Vienna

Romain Robert, Legal Adviser, European Data Protection Board, Brussels

Wolfgang Schramm, Presiding Judge at the Supreme Court of Austria, Vienna

Eva Souhrada-Kirchmayer, Vice-Chair of Chamber at the Austrian Federal Administrative Court, Vienna; Chair of the Data Protection Supervisory Authority of the European Space Agency (ESA)

Lord Tyre (Colin Tyre CBE), Judge of the Supreme Courts of Scotland, Member of the Scottish Civil Justice Council and of the Judicial Council for Scotland, Edinburgh

Paul Van den Bulck, Member of the Brussels and Paris Bars, Partner, McGuireWoods LLP, Brussels

Marc van der Woude, Professor at the Erasmus University Rotterdam; Vice-President of the General Court of the European Union, Luxembourg

Sir Mark Warby, Judge at the Queen's Bench Division, High Court, London

Bob Wessels, Professor emeritus at the University of Leiden



Europäische Rechtsakademie
Academy of European Law
Académie de Droit Européen
Accademia di Diritto Europeo

Registration

Fax: +49 (0) 651 93737-773

E-mail: info@era.int

Online registration:
www.era.int/?128051&en

Postal address:
ERA
Postfach 1640
D-54206 Trier



www.era.int/?128051&en