

Data Protection Law (B001578)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0

Study time 120 h

Course offerings and teaching methods in academic year 2024-2025

A (semester 2)	Dutch	Gent	
B (semester 1)	Dutch	Gent	lecture independent work

Lecturers in academic year 2024-2025

Vermeulen, Gert	RE23	lecturer-in-charge
Lievens, Eva	RE21	co-lecturer
Verhenneman, Griet	RE23	co-lecturer

Offered in the following programmes in 2024-2025

	crdts	offering
Master of Science in Teaching in Social Sciences(main subject Laws)	4	B
Master of Laws in Laws	4	B

Teaching languages

Dutch

Keywords

Data protection, privacy, personal data, processing, controller, processor, data protection authority, data protection officer, data protection impact assessment, General Data Protection Regulation (GDPR), Law Enforcement Data Protection Directive, e-Privacy Regulation, electronic communication, pseudonymisation, right to be forgotten, profiling, digital market

Position of the course

The aim of the course is to gain an adequate and clinical legal understanding of and insight into European and Belgian data protection law following the entry into force of the General Data Protection Regulation (GDPR), Directive 2016/680 (Law Enforcement Data Protection Directive), the (future) e-Privacy Regulation and the adapted Belgian legal instrumentarium (Wet tot oprichting van de Gegevensbeschermingsautoriteit, Wet betreffende de bescherming van natuurlijke personen met betrekking tot de verwerking van persoonsgegevens), and the legal and societal impact thereof in various legal domains.

Contents

- Various legal data protection levels (UN, Council of Europe, EU, Belgium, Flanders)
- Principles relating to processing of personal data, lawfulness of processing, conditions for consent
- Processing of special categories of personal data (race or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health, sex life or sexual orientation)
- Rights of the data subject (transparent information, access, rectification, erasure (right to be forgotten), restriction, portability, objection)
- Big data, automated individual decision-making (including profiling)
- Data controller and processor, data protection officer (appointment, position, tasks)
- Data protection by design and by default, Information Security Committee ('Informatieveiligheidscomité'), record of processing activities, information

- security, security of processing, notification of a personal data breach, data privacy impact assessment, codes of conduct and certification
- Transfer of personal data to third countries or international organisations (adequacy, appropriate safeguards, binding corporate rules)
- Jurisdiction, lead supervisory authority, consistency mechanism, European Data Protection Board
- Complaints, control, inspection, inspection service
- Legal remedies, compensation, administrative fines, penalties, dispute chamber ('geschillenkamer')
- Archiving, scientific or historical research, statistics
- Data protection and journalism/freedom of expression and information
- Data protection in the areas of criminal law, police, justice, convictions in criminal matters, asylum, migration and national intelligence
- direct marketing, consumer protection, electronic communication, cookies, e-privacy
- Data protection of children/minors
- Processing of health-related data (medical law, biomedical data, e-health, ...)
- Case-law of the CJEU, the ECtHR and the Belgian courts relating to data protection issues
- Digital market: Data Governance Act, Data Act, Digital Services Act, Digital Markets Act, AI Act, AI Liability Directive

Initial competences

No particular substantive initial competences are required, other than those of a Bachelor in Law or a Bachelor in Criminology. The student is able to independently read and analyse learning materials in English and French

Final competences

- 1 Identify, understand and interpret relevant legal principles, instruments and case-law with regard to data protection
- 2 Develop and articulate a critical and argued opinion on various legal dimensions and aspects of data protection
- 3 Independently consult, analyse and critically and scientifically assess sources and (scientific) literature concerning data protection law-related questions
- 4 Write a clear report on the results of (own) scientific research and/or personal views
- 5 Develop a life-long learning attitude with regard to issues related to data protection law, by identifying, interpreting and reflecting on actual developments

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Lecture, Independent work

Extra information on the teaching methods

Lecture: The teaching method is a mix of lectures and response lectures

Independent work:

1. A reader is made available to students (online), and they are expected to prepare for (the) lectures and/or to consolidate them (by broadening and deepening their knowledge and understanding) by exploring the corresponding, suggested learning materials, which are explicitly open for commenting and discussion during the lectures.
2. Students are to independently analyse a relevant (practice-based) question and to provide a legal-scientific and critical answer to it in a written assignment of 3,000 words, excluding footnotes, reference list and an annex in which students make transparent if and how they have made use of GenAI in an acceptable and reasoned fashion.

Study material

Type: Handbook

Name: Handboek Europese gegevensbeschermingswetgeving

Indicative price: Free or paid by faculty

Optional: no

Language : Dutch

Online Available : Yes

Additional information: Pdf version made available through Ufora, i.e. for free. Students may choose to order a printed (paid) copy via the Office for publications of the European Union.

Type: Slides

Name: slides per module/topic

Indicative price: Free or paid by faculty

Optional: no

Language : Dutch

Available on Ufora : Yes

Type: Reader

Name: Reader data protection law

Indicative price: Free or paid by faculty

Optional: no

Available on Ufora : Yes

Additional information: reader comprising mandatory and optional course materials

Type: Other

Name: Geannoteerd Wetboek Privacy en Gegevensbescherming, Larcier, 2 volumes, 6th edition (2023)

Indicative price: € 42

Optional: no

Language : Dutch

Author : Willem Debeuckelaere, Gert Vermeulen, Frank Schuermans, Julie Van Pée (ed.)

ISBN : 978-9-40001-672-9

Number of Pages : 1694

Oldest Usable Edition : 6th edition (2023)

Available on Ufora : No

Online Available : No

Additional information: codex

References

Included in learning materials

Course content-related study coaching

The lecturers are available for questions and feedback, in person, via e-mail and via the electronic learning platform

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Written assessment

Examination methods in case of periodic assessment during the second examination period

Written assessment

Examination methods in case of permanent assessment

Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

- **end-of-term assessment:** written (online) open-source exam with short-answer questions and open questions, based on the learning materials and the lectures. Open questions envisage testing students' understanding and analytical and interpretational skills regarding the fundamentals, mechanisms, challenges, and the legal and societal impact of European and Belgian data protection law.
- **continuous assessment:** written assignment, in which students are to independently analyse a relevant (practice-based) question and to provide a

legal-scientific and critical answer to it (for more details: supra).

Calculation of the examination mark

- end-of-term assessment: 75%
- continuous assessment: 25%

Participation in all evaluation components (both the end-of-term assessment and the continuous assessment) is mandatory. Otherwise, the student will be declared failed. This means that, if the final grade is ten or more (out of twenty), it will be reduced to the highest non-passing grade (7/20).