**HELP in the EU Cross-border launch of the course on**

**Data Protection and Privacy Rights**

*Bucharest, 18-19 June 2019*

***Concept paper and agenda***

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| **Date** | 18-19 June 2019 |
| **Location** | Bucharest, National Institute of Magistrature |
| **Language** | English (with Romanian interpretation) |
| **Participation** | Judges and prosecutors from Romania, Lithuania and Poland (participation is taken in charge by the project) |
| **Registration** | **Via your training institution; deadline: 3 May 2019** |

**Background**

The **Council of Europe (CoE) Programme for Human Rights Education for Legal Professionals (**[**HELP**](http://www.coe.int/help)**)** is aimed at supporting the CoE member States in implementing the European human rights standards at the national level, focusing on the European Convention on Human Rights (ECHR), other key CoE instruments, and since 2015, EU law. This is done by raising the capacities of legal professionals to apply those instruments in their daily work.

The objective of HELP is to provide high quality education on human rights to judges, lawyers and prosecutors throughout Europe. Law enforcement authorities such as police and prison staff are also targeted by HELP. Thanks to HELP courses, legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights (ECtHR). HELP courses specifically designed for EU countries increasingly incorporate relevant EU laws.

HELP is:

1. the only pan-European Network of national training institutions for judges, prosecutors and lawyers in the 47 CoE Member States.

2. an e-learning platform with free on-line courses on human rights.

3. a human rights training methodology for legal professionals.

**The HELP in the EU Project**

The joint EU-CoE project ‘European Programme for **H**uman Rights **E**ducation for **L**egal **P**rofessionals in the European Union’ ([**HELP in the EU**](https://www.coe.int/en/web/help/help-in-the-eu)) supports legal professionals from EU Member States in acquiring the knowledge and skills on how to effectively and coherently apply European fundamental rights standards at the national level, mainly referring to the EU Charter on Fundamental Rights (the Charter), the European Convention on Human Rights (ECHR), the (revised) European Social Charter (ESC) and relevant EU and Council of Europe Law. Furthermore, they will become familiar with the relevant European jurisprudence. It also reinforces the HELP Network of National Institutions (NTI’s) and Bar Associations (BA’s) in the EU; and through the use of cross-border trainings – which bring together legal professionals from a number of EU Member States - increases mutual trust and exchanges between EU practitioners.

**The HELP course on Data Protection and Privacy Rights**

People can easily become victims of data protection violations brought on by the widespread use of information and communication technologies by public and private bodies. Web-based activities, direct marketing, and video surveillance account for most violations. Even when remedies exist in civil, criminal and administrative law, enforcement is not always ensured.

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| The right to privacy and personal data are protected both by the legal instruments developed by the Council of Europe (CoE) and the European Union (EU). Article 8 of the European Convention of Human Rights (ECHR) guarantees the right to respect for private and family life, home and correspondence. The wording of Article 7 of the EU Charter of Fundamental Rights (EU Charter) is almost identical. In addition, the EU Charter explicitly mentions in Article 8 the right to data protection, considering it as a fundamental right in itself.  The two rights –privacy and data protection- are not absolute and may be subject to limitations. Any restrictions with regard to these rights must be made in accordance with the law, pursue legitimate aim(s) and be necessary in a democratic society. |  |

The HELP course on Data Protection and Privacy Rights addresses this need and offers a comprehensive curriculum which covers in an interactive way the key concepts, the legal framework of the CoE and the EU (directly applicable at national level), the case law or the European Court of Human Rights (ECtHR) and of the Court of Justice of the European Union (CJEU) and specific areas of data protection. One of the key reference materials to develop this course has been the Handbook on Data Protection developed jointly by the EU FRA and the CoE together with the Registry of the ECtHR.

Existing case law on data protection and privacy rights covers topics such as medical sector, media (traditional and non traditional), development of new technologies (i.e. GPS, drones, CCTV), e-communication and marketing, and workplace surveillance.

**Learning objectives**

By the end of this course you will be able to:

* understand the scope of the right to data protection and the right to privacy (differences and similarities) as well as their restrictions
* understand what legal instruments concerning data protection and the right to privacy are available under the CoE and EU legal systems
* understand the role of European actors (including the ECtHR and the CJEU as well as several bodies which develop soft law)
* refer to the relevant legal framework in your everyday work, as a legal professional in the EU

To achieve this goal you will have the opportunity:

* to put into practice the scope of the right to data protection and the right to privacy as defined in the EU Charter, the ECHR, the EU GDPR and the Council of Europe Convention 108+
* to learn about case law of the ECtHR and the CJEU
* to carry out exercises to identify situations of potential violations of the rights to Data Protection and Privacy and interdependencies between the CoE and EU systems of protection

The course is also designed:

* to strengthen your individual role as legal professional in human rights protection, as European standards on data protection and privacy rights have to be primarily upheld at national level and only, if relevant, during international litigation

**Course outline** (Ten modules).

1. **Basic knowledge** about the right to privacy and data protection:
2. Legal framework
3. Key concepts
4. Key principles
5. **Topical Areas:**
6. **Health data**
   * Protection of medical data as sensitive data (regulatory framework, main principles, jurisprudence)
   * Challenges related to electronic medical records
   * Anonymisation and pseudonymisation in health, clinical trials
   * New technologies, wearables, internet of things in health sector
7. **Media** (traditional & non-traditional)

* Balancing freedom of expression and the right to privacy
* Special role of media, protection of journalistic sources of information
* Challenges related to online media (managing online newspapers’ archives, restrictions of access to media content via search engines, liability for the third- party content, journalistic use of unverified Internet sources)
* Personal data protection and media (journalistic exemption)

1. E**-communications & marketing**

* Confidentiality of electronic communications
* Privacy policies, cookies regime
* Profiling, selling of data
* Spam
* Data retention
* Cyber security

1. N**ew technologies**

* Surveillance technology (CCTV, drones, GPS etc.)
* Internet of things, cloud computing, big data

1. **Workplace**

* Notion of privacy in a professional field
* Surveillance of communication in a workplace, processing employees’ data (including the issue of consent)
* Protection of whistleblowers
* Professional secrecy

1. **Enforcement:**
2. **Administrative, criminal and civil remedies**

* Data subjects’ rights
* Legal remedies available to victims of violations of the right to privacy/data protection (civil, criminal and administrative law regimes) and sanctions for breaches
* Role of Data Protection Authorities

1. **International data flows** (principles of transferring data to third countries, grounds for transferring data)

**The cross-border launch**

The event is organised under the [**EU-CoE** **HELP in EU Project**](https://www.coe.int/en/web/help/help-in-the-eu), funded by the European Union and implemented by the Council of Europe through its HELP Programme. Its main goal is to gather legal professionals from EU Member States (MS) in the HELP tutored course on *Data Protection and Privacy Rights* in a day and a half event combining presentations and exchanges on content with an introduction to the HELP platform and the course page. The event will be organised by the National Institute of Magistrature of Romania as partner in the project.

The cross-border launch will be held on **18-19 June 2019 at the premises of the National Institute of Magistrature in Bucharest, Romania**. The working language will be English (Romanian interpretation provided). The group will consist of up to 80 legal professionals (judges, prosecutors and lawyers) who will take part in the launch event and later follow the course online on a dedicated page on the HELP platform.

**The Course**

During the launch, the participants will be registered on their respective national course pages, prepared in advance by the national tutors. Over the following 3 months and based on the planning set by the tutors, the participants will go through the online course (accessible in their national language). The participants who have successfully completed the course and passed the evaluation set by the tutors will receive certificates issued by the HELP Programme of the Council of Europe.

**Preparation**

Before the Cross-border launch, participants who do not yet have a HELP account should:

* Watch the (5 minute) video on the HELP methodology: <https://www.coe.int/en/web/help/home>
* Create an account on the [HELP e-learning platform](http://help.elearning.ext.coe.int/login/signup.php)

**Participation and registration**

Participation is open to judges and prosecutors from EU MS. Interested participants should:

* be available to **attend the launch event on 18-19 June 2019** (the participation is taken in charge by the project;
* participants will have to purchase their travel tickets within the limit of 340 EUR/travel, which will be later reimbursed by the organizers upon receipt of original documentation (boarding passes, filled in reimbursement form, etc.);
* accommodation (for 2 nights, from 17 to 19 June with breakfast and dinner included) and meals (lunch and coffee breaks during the two days seminar) will be provided by the organizers;
* undertake to **follow and complete the online tutored course** in the following 3 months (approx. 1-2 hours of work per week according to the planning set by the national tutors)
* have knowledge of **English** (for participation to the seminar; the online course will further be implemented in the national languages)
* deadline for registration: **3 May 2019.**

**Further information**

For additional information, please contact Ruxandra Stan ([ruxandra.stan@inm-lex.ro](mailto:ruxandra.stan@inm-lex.ro)) from NIM Bucharest or Ana-Maria Telbis ([ana-maria.telbis@coe.int](mailto:ana-maria.telbis@coe.int)) / Konstantinos Vratsidas ([Konstantinos.VRATSIDAS@coe.int](mailto:Konstantinos.VRATSIDAS@coe.int)) at the HELP Secretariat.

**Agenda**

\*The agenda may be subject to change as the titles of sessions and the speakers are subject to confirmation

Day 1 – 18 June 2019

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| 9.15 – 9.30 | Arrival of participants and registration |
| 9.30 – 10.10 | Welcome address by representatives from:  *NIM Bucharest*  *HELP Programme, Council of Europe* |
| 10.10 – 11.00 | Presentation of the HELP Programme and the HELP in the EU Project  *‘HELP in the EU’ Project Coordinator, HELP Programme, Council of Europe* |
| 11.00 – 11.30 | Coffee break |
| 11.30 – 12.30 | Data Protection in the practice of the European Court of Human Rights – overview of key cases  *Judge/lawyer, ECtHR TBC* |
| 12.30 – 14.00 | Lunch break |
| 14.00 – 14.45 | Presentation of the HELP e-learning platform and walk through  *HELP Secretariat* |
| 14.45 – 15.30 | Presentation of the HELP course on *Data Protection and Privacy Rights*  *HELP Secretariat* |
| 15.30 – 16.00 | Coffee break |
| 16.00 – 17.30 | Sessions by national groups: Meeting with the national tutors for the presentation of the national pages and the course implementation, sharing of expectations |
| 17.30 | Closure of the first day |

Day 2 – 19 June 2019

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| 9.30 – 10.30 | Current challenges related to data protection and the CoE work in the area – standards and implementation  *Data Protection Unit, Council of Europe TBC* |
| 10.30 – 11.30 | The EU work in the area of Data Protection  *FRA* |
| 11.30 – 12.00 | Coffee break |
| 12.00 – 12.45 | Data Protection dimensions in the fight against cybercrime  *Council of Europe office in Bucharest TBC* |
| 12.45 – 13.00 | Conclusions and closure |