Privacy and Freedom

*Artemi Rallo**

The EU General Data Protection Regulation was approved in April 2016. Its Article 50 established that national legislators should adopt specific laws before 25 May 2018. However, at the time of writing this opinion in early 2018, the majority of European countries, with the notable exception of Germany, still have not passed their national laws for adapting the European Regulation. This delay means that they hardly will arrive in time to comply with the European commitment to clarify key issues such as the age of the child to consent, to regulate specific features that guarantee medical research, to modernise structures of the Data Protection Authorities or to improve the role of the Data Protection Delegate.

However, technological transformations that surround today's society have forced us to go further and meet the challenges posed by digitisation to the effective guarantee of citizens' rights. Four decades ago some constitutional texts, like the Spanish one, flew the flag of 'freedom and rights' against what they called 'computer science'. Four decades ago, they felt the enormous impact that technological advances would provoke in our society and, in particular, in the guarantee of our fundamental rights.

Today, there are no doubts that, sooner rather than later, constitutional texts will adapt to the digital age by raising a new generation of digital rights to the constitutional level and will recognize a digital rights system whose base is already being laid down by the Court of Justice of the European Union and by the European Court of Human Rights.

Today, Internet has become a ubiquitous reality in our personal and collective life. Much of our economic, private and professional activity develops on the Net. Internet takes on fundamental importance for human communication and development of our life in society. We identify clearly risks and opportunities offered by the world of networks to citizenship. Public authorities should apply actions that make effective rights of citizens on the Internet. Public authorities should promote equality and the full exercise of fundamental rights in the digital reality. The digital transformation of our society is a reality in our present and future social and economic development.

During last three decades, Internet, as the backbone of our present existence, has changed traditional legal categories with difficulty to be applied. For example, Internet has altered the traditional meaning of memory or forgetfulness and the impact that dissemination of personal information can result in human dignity. The offline limits (limited space and limited time) have been changed by online reality which summaris-

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* Artemi Rallo, former Director of the Spanish Data Protection Agency, Constitutional Law Full Professor at Jaume I University, Spain. For correspondence: <rallo@uji.es>.

es its scope in two explosive notes: universality and eternity. The massive flow of personal information on the Internet requires avoiding the trivialisation of risks and invites to strengthen individual rights.

The global flow of personal information during just three decades of existence of the Internet already allows us a glimpse of extraordinary risks and threats to human dignity that demand prophylactic replies. Internet is the great contemporary instrument which society served to enlarge their capabilities of information and knowledge, but *new rights* are necessary to avoid these risks and threats. The task to recognize and safeguard digital rights of citizens at constitutional level is inescapable.