

Editorial

The third edition of the European Data Protection Law (EDPL) review focusses on the General Data Protection Regulation (GDPR). On 6 September, we organised an interactive seminar on the meaning and interpretation of the GDPR. Jan Philipp Albrecht (European Parliament) and Rodolphe Munoz (EFTA Surveillance Authority) discussed the general outline of the Regulation, Anna Zeiter (eBay) and Axel Freiherr von dem Bussche (Taylor Wessing) presented how eBay is already implementing the new data protection rules as global standards, Alexander Dix (EDPL's board member), Tine Larsen (Data Protection Commissioner of Luxembourg) and Dieter Kugelmann (Data Protection Commissioner of Rhineland-Palatine) explained the significance of the GDPR for DPAs and the cooperation between them and Laura de Boel (Wilson Sonsini Goodrich & Rosati) and Jeremy Rollison (Microsoft) clarified the Privacy Shield Agreement and the new rules of the Regulation on this point. It became clear that much is still unclear with respect to the exact meaning and interpretation of the Regulation and that the more you dive into certain topics, the more complex they become. Luckily, Jan Philipp has been prepared to write a short foreword for this edition, and we have asked Simon Davies, founder of Privacy International, to write up some potential pitfalls for the GDPR.

Hopefully, this special issue on the General Data Protection Regulation will help shed light on some aspects of the new data protection rules. Obviously, not all provisions can be covered. That is why we have asked certain experts in the field of data protection and privacy to submit contributions on specific items. Catherine Jasserand discusses the new concept of 'biometric data', as contained in the GDPR. What precisely is 'biometric data', how is it currently regulated and how will this be impacted by the Regulation? Shakila-Bu-Pasha, Anette Alén-Savikko, Jenna Mäkinen, Robert Guinness and Päivi Korpisaari discuss the application of EU rules on location data privacy in smartphones. Maja Brkan, a EDPL associate editor, tackles one of the most difficult questions in data protection regulation, namely the notion of applicable law. When do data protection rules apply to data processing activities, and which ones? We are also glad to have two articles on the topic of Data Protection Authorities, consistency mechanisms and enforcement measures, because this is arguably the biggest change the Regulation brings about compared to the Directive 95/46/EC. Andra Giurgiu and Tine Larsen, who is the head of the Luxembourg DPA, have written an article on the roles and powers of National Data Protection Authorities and Hielke Hijmans, who worked for years at the European Data Protection Supervisor, has written about the cooperation of the national DPAs at a European level. Finally, Julian Wagner and Alexander Benecke contribute an article on the role of national legislation within the framework of the GDPR.

As always, the report section by Mark Cole deserves special mention. This section gives a very good picture of the most interesting developments in the European Union Member States and on EU level. There are reports on the CJEU who has further clarified the

concept of 'establishment', the implications of the Brexit for the data protection regulation, privacy on the work place, data breach notification obligations, the use of remotely piloted aircraft systems, publishing 'Shame Lists' on the internet, recent decisions of the Investigatory Powers Tribunal and investigations over Facebook's compliance with data protection rules. Then we are experimenting with a new sub-section of the report section entitled 'The Practitioner's Corner'. We invite practicing lawyers, politicians, members of DPAs, compliance officers and others to write shorter reports on questions, cases or difficulties they are experiencing in their daily practice. This edition contains one report on the controversial blockchain technology.

Finally, we have three case notes, namely on the Supreme Court's *Spokeo* decision, and on two cases of the European Court of Human Rights - regarding the disclosure of medical data and on prior judicial scrutiny of secret surveillance. We also have a book review of Ryan Calo, A Michael Fromkin and Ian Kerr's book *Robot Law*.

For those interested in submitting a paper for the 'Article' section of EDPL, our special focus in the next editions (which does not mean we exclude papers on other topics) is on:

- *EDPL 2016/4*: Young Scholars Award: Master thesis and PhD students can send in a 7.000 word (max.) article for the award. The best five papers get published in EDPL and may be presented at the CPDP conference in January 2017.
- *EDPL 2017/1*: Big Data
- *EDPL 2017/2*: Smart Applications
- *EDPL 2017/3*: Law Enforcement
- *EDPL 2017/4*: Young Scholars Award

For those interested in writing an article, report, case note or book review, please mail our executive editor, Nelly Stratieva (<stratieva@lexxion.de>).

We hope you will enjoy reading EDPL's third edition of 2016!

Bart van der Sloot
Tilburg Institute for Law, Technology, and Society (TILT)
Tilburg University, Netherlands