

CONTENTS

<i>Table of Cases</i>	xiii
<i>Table of Legislation</i>	xvii
<i>List of Abbreviations</i>	xxiii
1. Introduction	1
A. Protecting Personal Data in World 2.0	1
B. The Legal Response to the Personal Data Processing Phenomenon in the EU	3
C. The 'Europeanization' of the Data Protection Framework	7
D. The Hybrid Nature of EU Data Protection Law	8
E. The Normative Underpinnings of EU Data Protection Law	9
2. The Key Characteristics of the EU Data Protection Regime	14
A. Introduction	14
B. An Omnibus Regime	15
C. A Legitimizing Regime	30
D. A Rights-Based Regime	35
E. The Extraterritorial Impact of the EU Regime	41
F. Conclusion	44
3. The Dual Objectives of European Data Protection Regulation	46
A. Introduction	46
B. The Emergence of the Dual Objectives	47
C. Prioritizing Market Integration	51
D. The Dual Objectives on an Equal Footing	62
E. Placing Data Protection on a Regulatory Spectrum	76
F. Conclusions	87

4. The Link between Data Protection and Privacy in the EU Legal Order	89
A. Introduction	89
B. Modelling the Link between Data Protection and Privacy	91
C. Incorporating Data Protection Considerations into Article 8 ECHR	106
D. The Overlap between Data Protection Regulation and Privacy Principles before the European Court of Human Rights	112
E. Conclusions	129
5. Reconciling Data Protection with Other Rights and Interests	131
A. Introduction	131
B. The Right to Data Protection before the Court of Justice	132
C. Reconciling the Right to Data Protection with Other Rights	135
D. Reconciling the Right to Data Protection with Security Interests	161
E. Concluding Observations	173
6. The Role of Individual Control over Personal Data in EU Data Protection Law	177
A. Introduction	177
B. An Instrumental Perspective: How Control is Achieved	179
C. A Conceptual Perspective: Why Control is Desirable	192
D. The Tangible Harms of Data Processing	196
E. The Intangible Harms of Data Processing	210
F. Conclusions	227
7. The Limits of Individual Control over Personal Data	229
A. Introduction	229
B. The Potential of Property Rights to Enhance Individual Control over Personal Data	231
C. The Conceptual Shortcomings of (Near) Absolute Control over Personal Data	237
D. The Practical Shortcomings of (Near) Absolute Control over Personal Data	247
E. Conclusions: Lessons Learned from the Property Rights Debate	251

8. Conclusions and Future Prospects	254
A. Introduction	254
B. The Role of Individual Control over Personal Data in the EU Legal Order	254
C. Reinforcing the Architecture of Control: A Holistic Approach to Data Protection	257
D. The Development of the Right to Data Protection	265
E. Conclusions	272
<i>Bibliography</i>	275
<i>Index</i>	299