DATA PROTECTION RISK ASSESSMENT

From reason to risk to harm: protecting individual autonomy

DATA PROCESSING   ?   **CAUSALITY CHAIN**   **HARM**
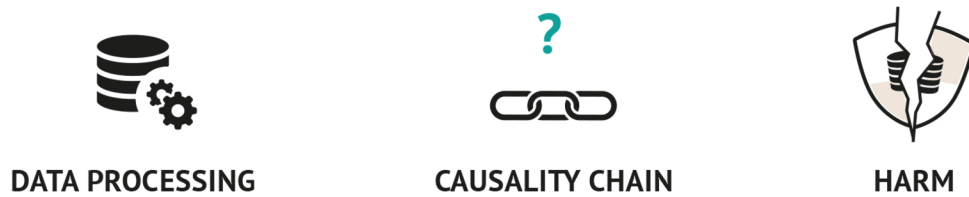
When regulating risks in general, there are two decisive questions: How likely does a certain reason (the processing of personal data) cause harm to an individual (a data subject). And what kind of harm shall be avoided by implementing (data) protection measures?

Given the data, purpose and processing context, is the risk likely to turn into harm?

NO, UNSPECIFIC RISK   YES, SPECIFIC RISK

PRECAUTIONARY MEASURES

In case of an unspecific risk, precautionary measures (e.g. IT security) prevent the risk to get more likely, i.e. turn into a specific risk.

PROTECTION MEASURES

Data protection measures prevent a specific risk to turn into harm by re-balancing the informational power asymmetry.
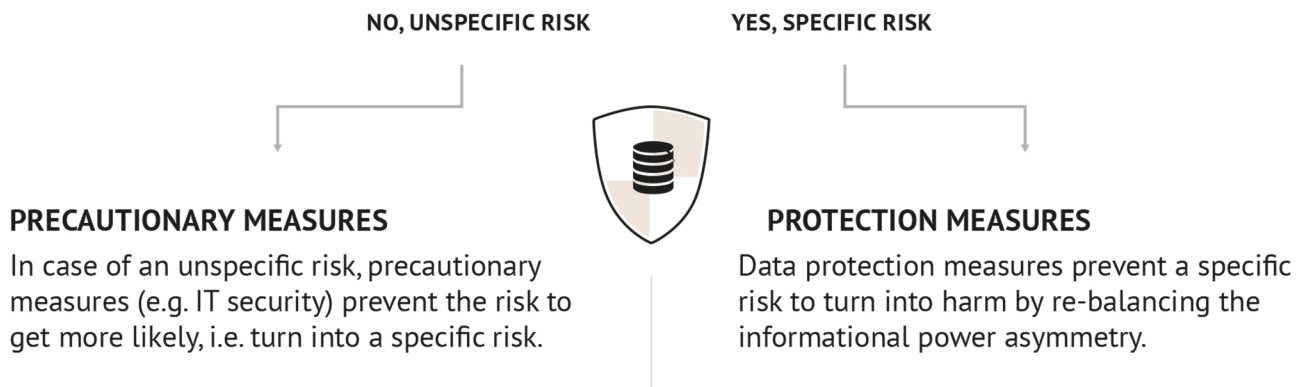
What is the harm that data protection measures shall prevent?

Data protection law prevents, across varying contexts, data processing risks to turn into harm to individual autonomy (more precisely, protects the data subjects' autonomous exercise of all their fundamental rights, such as to privacy, freedom, and equality).

PRIVACY   **EQUALITY**   **FREEDOMS**

Collected data reveal information about private life

Data analysis reveals (more) information about private life

Information about private life is passed on to third parties

Data analysis reveals discriminatory effects

Information is used in a discriminatory manner

Use of information limits the data subject's freedoms (e.g. manipulated purchasing decision)

DATA COLLECTION   →   **DATA PROCESSING**   →   **DATA USAGE**