

R.01 Rights, Freedoms, Interests General

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According to its wording, the GDPR protects the following *Schutzgüter*: human dignity, human rights, fundamental rights, rights, data protection rights, fundamental freedoms, freedoms, interests, guarantees and personal data. These *Schutzgüter* appear in 125 provisions of the GDPR. The terminology is highly inconsistent: 24 different wording combinations are used for the aforementioned *Schutzgüter*.

16 x "Rights" [\[Tile R.05\]](#)

51 x "Rights and freedoms" [\[Tile R.03\]](#)

4 x "Rights and freedoms and legitimate interests" [\[Tile R.08\]](#)

1 x "Human rights and fundamental freedoms" [\[Tile R.11\]](#)

1 x "Rights and legitimate interests" [\[Tile R.07\]](#)

1 x "Data protection rights" [\[Tile R.06\]](#)

3 x "Fundamental rights" [\[Tile R.09\]](#)

13 x "Fundamental rights and freedoms" [\[Tile R.02\]](#)

3 x "Fundamental rights and interests" [\[Tile R.10\]](#)

1 x "Fundamental rights and safeguards" [\[Tile R.12\]](#)

1 x "Fundamental rights and personal data" [\[Tile R.13\]](#)

1 x "Personal data and other fundamental rights and freedoms" [\[Tile R.14\]](#)

2 x "Interest" [\[Tile R.16\]](#)

6 x "Legitimate interests" [\[Tile R.17\]](#)

4 x "Compelling legitimate interests" [\[Tile R.18\]](#)

1 x "Compelling legitimate grounds" [\[Tile R.19\]](#)

6 x "Vital interests" [\[Tile R.20\]](#)

1 x "Interests and rights" [\[Tile R.22\]](#)

2 x "Interests and fundamental rights" [\[Tile R.23\]](#)

1 x "Interests, rights and freedoms" [\[Tile R.25\]](#)

2 x "Interests or rights and freedoms" [\[Tile R.21\]](#)

3 x "Interests or fundamental rights and freedoms" [\[Tile R.24\]](#)

1 x "Human dignity, legitimate interests and fundamental rights" [\[Tile R.26\]](#)

There is no uniform concept behind the terminology. There are no gradations between fundamental rights, rights, freedoms, interests. It is not concretised which fundamental rights, rights, freedoms, interests are meant. The controversial question whether fundamental rights are applicable between private parties at all is also not merely noted.

In the absence of concretisation, the numerous balancing decisions [\[Tiles BD\]](#) are lacking balancing criteria [\[Tiles BC\]](#), that allow for a structured and consistent assessment. Which fundamental rights, rights, freedoms, interests are to be weighed against which fundamental rights, rights, freedoms, interests in individual cases remains unclear.