

C.04 Data Concept

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The fact that all provisions of the GDPR are linked to "the data" invites many misunderstandings:

Thus, all personal data appear to be equally worthy of protection.

Data protection law gives the impression that data can be treated like objects and like a commodity to be kept in short supply. This fails to recognise the nature of data as information. They are incorporeal, non-consumable, can be reproduced at will and can be used by numerous persons at the same time (non-rival).

The information content and the economic value of data are context-dependent. Abstract-general regulations that treat all data-related circumstances in the same way are not sensible.

Furthermore, the input orientation of data protection law prevents the urgently needed political debate on the question of which exact uses of data should be permissible and which uses should be forbidden.