

PC.27 Informational Asymmetries

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According to a view held by some data protectionists, data protection serves above all to prevent and compensate informational asymmetries. Data/information - and thus knowledge - means power and enables the exercise of coercion. The unequal access to data/information, but above all the unequal possibilities to process it in a way that increases knowledge and/or profits, lead to imbalances that ultimately impair the right to freedom of personality. Data protection law is, thus, primarily intended to balance out the asymmetry between (powerful) controllers and the data subjects exposed to this data power, and therefore only permits data processing under special conditions. Data protection law provides for a "separation of informational powers".

This view cannot be directly justified by the GDPR. However, its representatives claim to be able to derive it from the legal purpose and a number of different provisions of the GDPR: Art. 1, 5, 25, 32, 34, 35 as well as chapter 2-4 and Rec. 4 and 11 GDPR.