



# Data Protection & Consumer Protection

The Point of View of the Institutions – Consumer Organizations



# DECO IN NUMBERS



**373 712**  
Members



**955 070**  
Newsletter readers



**944 000**  
Subscribers



**548 060**  
Followers



**14 521**  
News/press releases social  
range (> 18 Million)



**18 924 33**  
Views



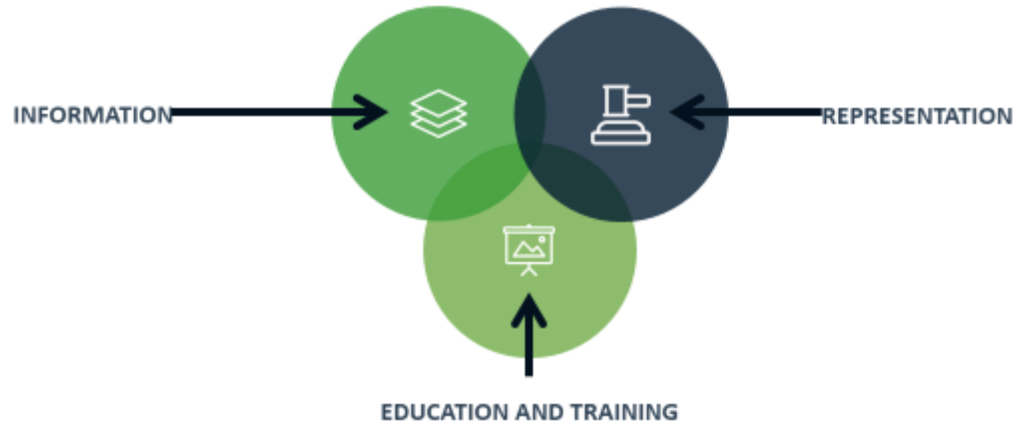
**1 123 014**  
Complaints received in  
the past 3 years



**155**  
National, regional and  
local partnerships

# WHAT DO WE DO?

## AREAS OF INTERVENTION







# THE PROBLEM

- GDPR Rights:
  - Information and Access
  - Rectification and Erasure (Right to be forgotten)
  - Portability
  - Restriction of Processing and to object



Are these rights enough for consumers nowadays?



# ARTICLES 6 & 7

## GDPR

Processing shall be lawful only if and to the extent that **at least one** of the following applies:



1. The data subject has given consent to the processing of his or her personal data for one or more specific purposes;



2. Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;



# ARTICLES 6 & 7 GDPR



When assessing whether consent is **freely given**, utmost account shall be taken of whether, *inter alia*, the performance of a contract, including the provision of a service, is conditional on consent to the processing of personal data that is not necessary for the performance of that contract.



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Facebook will merge WhatsApp, Instagram and Facebook Messenger

**amazon**

Amazon Must Turn Over Extensive Records in Alexa Privacy Lawsuit

**NETFLIX**

Netflix extends crackdown on password sharing to more countries

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## Apple Hit With Class Action Over Tracking of Mobile App Activity

Parceria inédita para publicidade: MEO, NOS e Vodafone escolheram a televisão



Smart meter data sparks new privacy row



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# SOLUTIONS



First things first: Give consumers control of their data! *“My data is mine!”*



Consumers must be in control of the data generated in all contracts, especially, when using products and related services.



On digital contracts, consumers should get access to meaningful choices according to their preferences and an enhanced data portability right with clear format and interoperability conditions.



Consumers must be protected by design and by default.



Withdrawal of the consent shouldn't mean withdrawal from the contract.

# HOW TO ACHIEVE THESE SOLUTIONS?

Consumers should have **swift and effective enforcement and redress.**

REFIT model of the digital data protection framework based on **transparency and fairness.**

Ensure an **effective data portability right**: make the consumers' data accessible to third parties.

Consumers must be protected **by design and by default.**

**Reduce the digital asymmetry** and promote fairness by design – all consumers are vulnerable when it comes to data protection.



# HOW TO ACHIEVE THESE SOLUTIONS?

Blacklist practices that use asymmetry of power to benefit the trader and disempower the consumer.

Ensure fair and transparent information on data processing by data holders (especially regarding IoT devices and AI services)

Ban Dark Patterns related to digital practices that use consumers' data



Regulate price personalization and other personalization practices

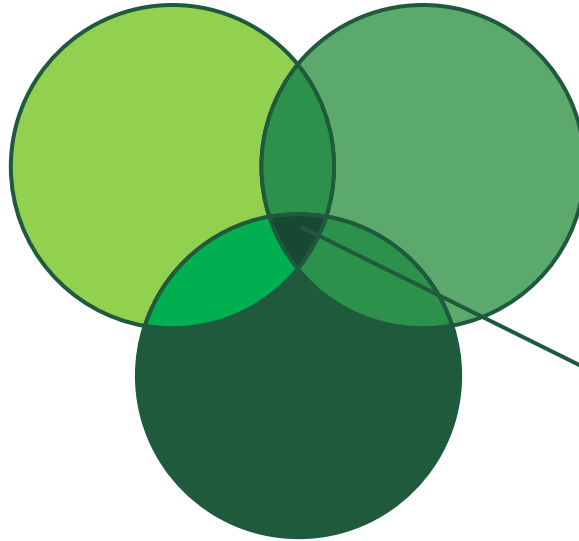
Ban Fake and sponsored reviews based on consumer data

Ensure a coherent framework between the Digital Services Act, the GDPR, the ePrivacy Directive and the Data Act.

# NEW CONSUMER RIGHTS?

A right not to be tracked

A right to have a fair data processed by design and by default

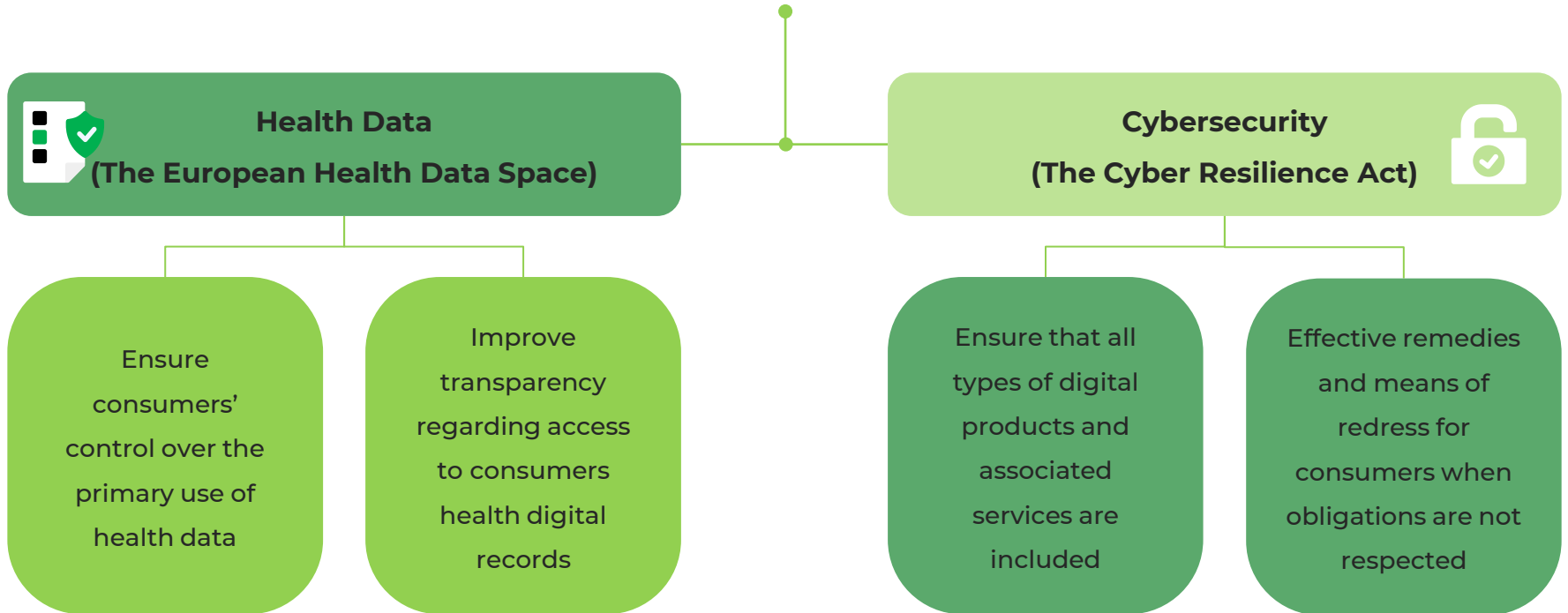


A right to object to personalized offers and prices based on data processing

**THE GOAL: Make consumers active on the data economy!**



# EMERGING PROBLEMS





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# Thank you!



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