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Summary

of the PhD thesis entitled:

THE RIGHT TO THE PROTECTION OF PERSONAL DATA. IMPLICATIONS OF THE ADOPTION OF GDPR REGULATION 679/2016 IN THE DIGITALIZATION ERA.

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INTRODUCTION

The right to the protection of personal data stands as a fundamental aspiration of growing importance, both from a legal and socio-economic perspective, in the current legislative context marked by profound transformations brought about by the digitalization of society and the accelerated technological progress—particularly the development and widespread integration of technologies based on artificial intelligence (AI). Thus, personal data are no longer merely simple pieces of information relating to a natural person, but may be exploited as intangible assets with significant economic value, within dynamic and interconnected digital ecosystems.

In this context, data science, as an emerging discipline at the intersection of statistics, computer science, and information processing technologies, plays a decisive role in complicating the legal issues surrounding the processing of personal data. Through advanced analysis and data correlation techniques, such information can provide detailed insights into the behavior, preferences, and individual traits of data subjects, thereby exponentially increasing the risk of infringements upon the right to privacy or personal autonomy.

Personal data acquire a sensitive character not only due to their intrinsic content but also due to their potential to enable direct (through names and surnames) or indirect (through elements such as phone numbers, home addresses, online identifiers, voice, image, etc.) identification of a natural person. [1] Identification may result from a single data point or from a combination of seemingly neutral data which, when correlated, can lead to the profiling of an individual.

Unauthorized, abusive, or excessive processing of such data can generate significant legal and social consequences, infringing not only on the right to privacy but also raising risks related to the safety and dignity of the data subject. Therefore, strict compliance with the applicable legal principles is imperative—particularly those relating to lawfulness, transparency, data minimization, and data security—within a regulatory framework adapted to the requirements of the digital age.

[1] Els J. Kindt, *Privacy and Data Protection Issues of Biometric Applications. A Comparative Legal Analysis*, Editura Springer Netherlands, 2013, p.129.

In this adition, the adoption by the European Union of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation – GDPR) marked a fundamental milestone in the harmonization of Member States' legislation and in the strengthening of safeguards afforded to natural persons in the field of data protection.

Nevertheless, the rapid and continuous development of AI-based technologies, including the emergence of autonomous predictive models and machine learning systems capable of processing vast volumes of personal data, gives rise to novel and insufficiently anticipated challenges under the current normative framework. Against this backdrop, there is an urgent need for the continuous reassessment of existing regulations to ensure the effective and balanced protection of fundamental rights, aligned with the imperatives of technological innovation and the digital economy. [2]

In order to enable the optimal functioning of artificial intelligence systems, it is often necessary to collect and process substantial quantities of data, frequently exceeding the conventional parameters of informed consent as established in data protection law. This extensive and ongoing accumulation of personal data fuels increasing demand from entities engaged in technological development, generating legitimate concerns regarding the data subjects' effective ability to exercise control over their personal data. Within this context, there emerges a structural risk of imbalance in the relationship between the data subject and the data controller, to the detriment of the former, through the erosion of decision-making autonomy in matters of consent and processing transparency. [3]

This distortion of balance is further exacerbated by the algorithmic opacity inherent to artificial intelligence systems, which frequently operate on the basis of complex models that are difficult to interpret even by experts. Consequently, data processing becomes less transparent and, by extension, less subject to meaningful control by the data subjects. As a result, informed consent risks being reduced to a mere formality, devoid of substantial legal effect, particularly in cases

[2] Mirela-Niculina Morar, *Foamea nestăvilită de date personale a inteligenței artificiale. Poate legislația actuală să o înfrâneze puțin sau lăsăm tehnologia să își împlinească potențialul*, revista Curierul judiciar, nr. 2/2022, pp. 93-94.
[3] Daniel-Mihail Șandru, *Relația dintre protecția datelor și inteligența artificială. Impactul reglementării inteligenței artificiale în Uniunea Europeană*, Revista Română de drept european, nr. 1/2023, p. 86.

where users are unable to anticipate the real-world implications of the processing of their personal data in dynamic and interconnected technological environments.

Thus, within this framework, a pressing issue arises regarding the reconfiguration of the principle of individual autonomy in relation to new digital realities, as well as the need to reassess the legal grounds for data processing in order to ensure a form of protection that is both effective and adapted to current technological conditions. More precisely, there is a necessity to reconsider the limits of consent, alongside the reinforcement of other legal safeguards—such as the proactive accountability of data controllers, data protection impact assessments (DPIAs), the principle of data minimization, and the implementation of robust mechanisms for algorithmic auditing and ethical oversight.

Moreover, the strengthening of the legal regime applicable to artificial intelligence through sector-specific legislative instruments complementary to the GDPR—such as the adoption of Regulation (EU) 2024/1689 (the Artificial Intelligence Act)—can contribute to the shaping of a coherent and forward-looking regulatory framework. Such a framework should aim to integrate the effective protection of fundamental individual rights with the promotion of responsible technological innovation, achieving a sustainable balance between economic interests and ethical and legal imperatives.

The relevance and timeliness of the present topic stem from the imperative to reinforce personal data protection by acknowledging this right as a fundamental and essential one, particularly in a context characterized by accelerated and deeply disruptive technological evolution. The swift pace of digitalization and the emergence of new technologies—especially in the field of artificial intelligence—threaten to outstrip the regulatory system's capacity to respond, thereby risking the transformation of the current legal framework into an inadequate, partially ineffective, or even obsolete instrument in the face of these new realities.

The recognition of the right to the protection of personal data as a fundamental right entails its integration within the broader framework of constitutionally enshrined fundamental rights, in direct connection with the right to private life and the principle of respect for human dignity. [4] Such enshrinement reflects not only the intrinsic importance of safeguarding personal

[4] Gloria González Fuster, *The Emergence of Personal Data Protection as a Fundamental Right of the EU*, Editura Springer International Publishing , 2014, p.267

information, but also the necessity of ensuring a coherent and effective legal framework capable of protecting individuals against invasive forms of surveillance, profiling, and cross-border data transfers.

An essential dimension of the legal regime governing data protection lies in the international normative framework, in particular Regulation (EU) 2016/679 on data protection. This legislative instrument seeks to establish a uniform and harmonized system across all Member States of the European Union, thereby ensuring an equivalent level of protection throughout the Union. Furthermore, the Regulation enjoys an extended territorial scope, being applicable to entities established outside the European Union (third-country actors), insofar as they offer goods or services to individuals within the Union's territory. As such, the GDPR's impact transcends the Union's borders, establishing itself as a global benchmark in the field of data protection.

In the light of the challenges posed by the continued development of artificial intelligence technologies, it becomes imperative to adapt the legal rules governing the processing of personal data to the technical and societal realities of the digital age. This adaptation must be proactive and forward-looking, rather than merely reactive, in order to effectively address the rapid transformations of the digital ecosystem.[5] Although the GDPR provides a solid regulatory foundation, it requires ongoing updates and refinements that reflect the complexity and long-term implications of new technologies on fundamental rights.

Given that personal data constitute a strategic resource in contemporary information society, it is crucial that legal regulations reflect this status and provide comprehensive protection, encompassing not only inter vivos legal acts but also mortis causa dispositions. Consequently, the development of a coherent international legal framework based on transnational cooperation is necessary—one that recognizes and protects the legal, economic, and personal value of data throughout all phases of existence and patrimonial succession, in a manner that aligns with the requirements of human rights and human dignity [6].

The relevance of a doctoral thesis addressing the legal protection of personal data in the era of digitalization and AI-based systems is considerable from both theoretical and practical

[5] Cui Yadong, *Blue Book on AI and Rule of Law in the World*, Editura Springer Nature Singapore, 2024, p.397.
[6] Crina-Maria Stanciu, Codrin-Alexandru Ștefăniu*, Datele cu caracter personal: res digitalis în sfera actelor încheiate inter vivos și a actelor mortis causa*, Anale UAIC. SSJ, Tomul LXX, nr. II, 2024, pp.92-93.

perspectives. The chosen topic pertains to one of the fundamental issues of contemporary society, namely the manner in which the rights of natural persons—particularly the rights to privacy and to the protection of personal data—are safeguarded within a digital ecosystem marked by the extensive and often unpredictable use of personal information.

In such a context—marked by the economic exploitation of personal information, including for secondary purposes not declared at the time of collection, and by access to such data by third parties (natural persons, private entities, or public authorities)—the need arises for a thorough scientific analysis to assess the effectiveness of the current regulatory framework, to identify existing shortcomings, and to propose legislative developments suited to emerging technological realities.

From my perspective, such research enables the tracing of the evolution of the applicable legal framework, with a focus on the convergences and divergences between European Union regulations (particularly the GDPR) and those of third countries. It also allows for the identification of legislative gaps concerning automated processing models. Last but not least, it supports the formulation of concrete normative policy proposals aimed at ensuring effective, adaptable, and forward-looking protection in the face of challenges posed by artificial intelligence, big data, and automated profiling—articulated through de lege ferenda recommendations.

The thesis acquires increased value through its interdisciplinary approach, integrating legal perspectives with elements from computer science, technology ethics, and the digital economy. This integrated methodology allows for a comprehensive understanding of the implications of data processing on fundamental rights, digital governance mechanisms, and the economic model of the information society.

Moreover, the research endeavor can contribute to: the substantiation of public policies in the areas of cybersecurity and privacy protection; the development of ethical and legal responsibility standards for the use of emerging technologies; and the support of a harmonized international legislative framework that ensures legal interoperability across jurisdictions and prevents regulatory fragmentation.

A doctoral thesis dedicated to the protection of personal data in the digital era not only responds to a genuine scientific necessity but also contributes to the development of a

strategic legal reflection framework. This framework is of practical use to policymakers, data controllers, supervisory authorities, and citizens concerned with the protection and full exercise of their fundamental rights in the digital environment.

The research methodology adopted in this doctoral thesis is grounded in a rigorous, interdisciplinary scientific approach that integrates legal, technological, and ethical-social analysis methods in order to construct a comprehensive perspective on the legal regime applicable to the protection of personal data. This approach was necessitated by the context of accelerated digitalization and continuous technological advancement, particularly in the development and use of artificial intelligence.

This integrative method allowed for an examination of data protection as a unified phenomenon, in which legal norms were correlated with technological dynamics and their implications for fundamental rights and freedoms—especially the right to privacy and the right to the protection of personal data.

From a methodological standpoint, the research aimed to conduct a systematic analysis of the normative framework applicable to data protection at the national level as well as within the legal orders of the European Union and international legal frameworks. Particular attention was given to examining the impact of the General Data Protection Regulation (GDPR), including its relationship with complementary legal instruments such as the Council of Europe's Convention 108+, the proposed Artificial Intelligence Act (AI Act), and other relevant regulations.

The research also addressed emerging challenges brought about by the rapid advancement of digital technologies, especially in areas such as automated decision-making, the use of machine learning algorithms, and the exploitation of large-scale datasets (big data). A key focus was placed on assessing the legal regime governing international transfers of personal data, emphasizing compliance with European standards and the applicability of the adequate level of protection principle in relations with third countries.

Furthermore, the study sought to identify existing normative gaps in order to formulate concrete legislative solutions that reconcile the need to safeguard individuals' fundamental rights with the promotion of technological innovation.

To achieve these objectives, the research employed multiple scientific methods. The legal analysis method was utilized through detailed and systematic examination of relevant provisions from European and international regulatory frameworks, accompanied by systematic and teleological interpretations. The jurisprudential method was applied to interpret significant rulings of the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR), and various national and international courts addressing conflicts between fundamental freedoms and the use of new technologies in data processing.

In parallel, doctrinal analysis constituted a core component of the methodology, undertaken through a critical assessment of specialized literature from the fields of law, technical sciences, and applied ethics, aimed at a deep understanding of the theoretical and conceptual foundations of data protection. The comparative method was also employed to highlight similarities and differences between the regulatory systems of the European Union, the United States of America, and the People's Republic of China, with the goal of identifying best practices and potential models for legislative harmonization.

The hybrid nature of the field naturally required the application of an interdisciplinary method, as data protection lies at the intersection of law, technology, and ethics. The analysis was thus complemented by an evaluation of the impact of emerging technologies on fundamental rights and by the exploration of the ethical implications of data processing through artificial intelligence.

Nonetheless, the research faced certain methodological constraints. The rapid pace of technological evolution resulted in a high degree of uncertainty regarding the timeliness and long-term applicability of the conclusions drawn. Moreover, limited access to detailed technical information—particularly concerning the use of opaque algorithms in automated processes—restricted the capacity to fully assess the impact of such technologies. Cultural and legal differences between states regarding the perception of privacy and personal data also affected the generalizability of certain findings. Finally, geopolitical instability and the volatility of legal frameworks in some jurisdictions posed challenges to the identification of universally applicable solutions.

Despite these limitations, the chosen methodology has enabled the development of a comprehensive research study—both theoretical and applied—that offers a solid and well-

substantiated analysis of how the right to data protection must be revisited and strengthened in the digital era. The conclusions drawn from this endeavor go beyond outlining a coherent conceptual framework; they also include concrete normative recommendations aimed at fostering a flexible and adaptable legal mechanism, establishing consistent international standards for data governance, safeguarding data subjects in the face of automated processing, and promoting the European data protection model as a global benchmark of best practice, particularly in a context where personal data has become a fundamental strategic resource in the contemporary digital economy.

The structure of the research is based on *two fundamental directions of analysis*, reflecting the complexity and multidimensionality of the issue of personal data protection in the current context.

The first line of research focuses on the fundamental importance of the right to the protection of personal data, analyzed through the lens of a robust and coherent legal framework that includes national legislative provisions as well as applicable European and international regulations. Special attention is given to the General Data Protection Regulation (GDPR) – Regulation (EU) 2016/679 – which stands as a central pillar of fundamental rights in the digital age. The study includes an in-depth examination of relevant case law issued by both national and European courts and the influence of this jurisprudence in consolidating and clarifying the rights of data subjects. This first direction seeks to highlight the way in which the right to personal data protection has evolved into a fundamental right in itself, closely linked to the right to privacy and human dignity, and enshrined in both the European and international legal orders.

The second line of research is directed toward the analysis of the cross-border flow of personal data, with emphasis on the legal, technological, and ethical implications arising from the rapid development of artificial intelligence and related digital technologies. From this perspective, the study examines the impact of new technologies on existing regulations and the need to adapt them to ensure the effective protection of individuals' rights in the context of data globalization. This section explores the dynamics of data exchanges between different jurisdictions, the applicable principles, and the legal instruments used to ensure an adequate level of protection in the face of challenges specific to the digital environment. It also underscores the role of personal data as a strategic resource in digital transformation processes and in AI-driven

economies, highlighting the tensions between technological advancement and the safeguarding of fundamental rights.

The thesis is structured into four distinct chapters, each offering a different yet complementarily integrated approach, encompassing theoretical, normative, comparative, and empirical dimensions. This structure aims to provide a well-rounded and applicable understanding of the challenges and implications of data protection in the digital age.

Chapter I *The Protection of Personal Data in the European Legal Space: Definition, Evolution, and Regulation* provides a historical and conceptual perspective on the evolution of European regulations dedicated to personal data protection. This chapter brings to the forefront the timeline of the adoption of key legislative and legal instruments in the field, highlighting the essential stages that have led to the recognition of personal data protection as a fundamental principle of the European legal order.

The concept of fundamental rights gradually developed in international public law, particularly as a reaction to the atrocities of the Second World War, and was enshrined in landmark international documents such as the 1948 Universal Declaration of Human Rights. A clear distinction must be drawn between the notion of human rights—as a universal expression of human dignity—and that of fundamental freedoms, which are enshrined and protected within each state's constitutional framework. The right to personal data protection initially emerged as an extension of the right to privacy. However, in the context of digital transformations, it has evolved autonomously and is increasingly recognized as a distinct fundamental right, protected under both national and supranational legislation.[7]

This conceptual autonomy is justified by the specificity of the right itself, which entails not only the protection of personal information but also the establishment of a legal framework that ensures the data subject has effective control over how their data is collected, processed, stored, and transferred. The correlation between the right to privacy—as regulated by Article 8 of the European Convention on Human Rights (ECHR)—and the right to data protection

[7] Olga Mironenko Enerstvedt , *Aviation Security, Privacy, Data Protection and Other Human Rights: Technologies and Legal Principles*, Editura Springer International Publishing, 2017, p.45.

is one of interdependence but also of functional delimitation, since data processing involves a distinct set of obligations and safeguards beyond the mere respect for private life.

The relationship between the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, in terms of personal data protection, is another important aspect analyzed in this chapter. Although these two legal instruments are institutionally and normatively distinct, they are complementary in both content and application, contributing jointly to the formation of a coherent European framework for the protection of personal data. The EU Charter primarily applies within the scope of implementation of EU law, while the ECHR has a broader applicability within the legal order of the Council of Europe.[8]

The Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) play an essential role in the development and consolidation of European standards for personal data protection. They act as interpretative poles that define the boundaries of state interference in an individual's private and informational life. Although there are numerous areas of convergence between these two courts, certain divergences have also been identified regarding the level of scrutiny required of authorities or the conditions under which an interference is deemed justified. These differences highlight the need for continuous and coherent judicial dialogue.

From the perspective of legal instruments adopted at the EU level, the regulatory framework for personal data protection has evolved significantly—from the adoption of Directive 95/46/EC, the first major legal instrument in the field, to Regulation (EU) 2016/679, known as the General Data Protection Regulation (GDPR), which introduced a systemic reform of European legislation in this area. Alongside the GDPR, other legal instruments supplement the regulatory framework: the ePrivacy Directive (currently under reform), the Regulation on the Free Flow of Non-Personal Data, as well as the Artificial Intelligence Act (AI Act), which seeks to regulate the use of data-processing algorithms in the context of emerging technologies.

Chapter II, *The Legal Implications of the Adoption of Regulation (EU) 2016/679 on the Protection of Natural Persons with Regard to the Processing of Personal Data* focuses on

[8] Edwin Lee Yong Cieh, Noriswadi Ismail*, Beyond Data Protection. Strategic Case Studies and Practical Guidance*, Editura Springer Berlin Heidelberg, 2013, p.218.

the conceptualization and consolidation of the right to personal data protection as a fundamental right, closely connected to the right to privacy, from the perspective of European Union law.

The right to personal data protection has been recognized at the EU level as a distinct fundamental right, expressly enshrined in Article 8 of the Charter of Fundamental Rights of the European Union. This right reflects the increasing concern of European institutions regarding the risks generated by massive digitalization and the extensive use of personal data for commercial, administrative, or security purposes.

Within this chapter, it is emphasized that the right to personal data protection derives from—but is not identical to—the right to privacy. Although interconnected, the two rights are legally autonomous. While the right to privacy, as enshrined in Article 8 of the ECHR, has a broader scope and covers multiple dimensions of personal life, the right to data protection focuses exclusively on information relating to an identified or identifiable individual.

Regarding Regulation (EU) 2016/679 (GDPR), it establishes a comprehensive set of rules applicable to all data controllers processing the personal information of EU citizens, regardless of the location of those controllers. The GDPR introduces fundamental principles such as lawfulness, fairness, transparency, data minimization, accuracy, and storage limitation. It applies to any processing of personal data carried out in the context of the activities of a controller or processor established in the EU, as well as to entities outside the EU that offer goods or services to EU citizens or monitor their behavior. [9]

Following the entry into force of the GDPR, the European Union has continued updating its digital legal framework to address emerging challenges generated by the development of technologies based on artificial intelligence, the *Internet of Things*, or *big data*. New legislative instruments have been developed or proposed, including the Data Governance Act, the Digital Services Act (DSA), the Digital Markets Act (DMA), and the Artificial Intelligence Act (AI Act), all of which contain provisions relevant to the protection of personal data. These regulations aim to ensure a balance between technological innovation and the safeguarding of fundamental rights,

[9] Hermann-Josef Blanke, Stelio Mangiameli, *Treaty on the Functioning of the European Union - A Commentary*, Editura Springer International Publishing, 2021, p.425.

guaranteeing transparency, accountability, and effective control by individuals over their data—even in the face of automated algorithms and complex decision-making processes.

Although the GDPR is directly applicable in all Member States, its effective implementation required the adoption of national implementing measures, tailored to each state's legal and institutional specificities. In Romania, Law No. 190/2018 on measures for the implementation of the GDPR regulates aspects such as the conditions for processing data for journalistic purposes, the processing of sensitive data, applicable sanctions, and the responsibilities of the National Supervisory Authority for Personal Data Processing.

Chapter III, *Cross-Border Transfers of Personal Data* analyzes, from a comparative perspective, the legal framework governing this new form of data commerce. The transfer of personal data involves the transmission or making available of such data to a recipient located in another jurisdiction, for legitimate purposes and under conditions of legality, transparency, and security.

In this context, the General Data Protection Regulation (GDPR) provides several mechanisms through which such transfers may lawfully occur. These include: adequacy decisions issued by the European Commission, the use of standard contractual clauses (SCCs), Binding Corporate Rules (BCRs), specific derogations for exceptional situations, and supplementary protective measures. Within the European Union, personal data transfers benefit from the principle of free movement of data, as all Member States are required to comply with the same legal standards imposed by the GDPR. [10]

Transfers to third countries, i.e., outside the European Economic Area (EEA), are subject to stricter conditions, as these countries do not automatically benefit from the same level of data protection guaranteed within the EU. The Regulation allows such transfers only if the third country is recognized through an adequacy decision issued by the European Commission or if the data controllers or processors implement alternative safeguards, such as standard contractual clauses or binding internal rules.

[10] Sabrina Brizioli, *Alessandra Langella, GDPR Requirements for Biobanking Activities Across Europe*, Editura Springer International Publishing, 2023, p.398.

The chapter also includes an analysis of privacy risks and the legal frameworks governing data transfers beyond the EEA. This subsection addresses the concrete risks to which personal data may be exposed in the context of transfers to external jurisdictions, particularly with regard to government surveillance, the lack of effective legal remedies, and deficiencies in local legal protections. Notable examples considered include the *Schrems I* and *Schrems II* cases, in which the Court of Justice of the European Union (CJEU) invalidated transfer mechanisms due to the absence of safeguards equivalent to those in the EU[11].

Romania, as a Member State of the European Union, is an integral part of the European data protection system. Transfers made from or to Romania must comply with the standards set out by the GDPR and the corresponding national implementing legislation. These transfers are governed by the common European legal framework and are not subject to additional formalities. However, they must still comply with the general principles of data protection, including obligations regarding data subject information, transparency, and cybersecurity.

In the case of transfers to third countries, Romanian data controllers must implement specific legal instruments, such as standard contractual clauses, and conduct risk assessments to determine whether the destination country ensures an adequate level of protection. The National Supervisory Authority for Personal Data Processing (ANSPDCP) plays a key role in monitoring and, where necessary, authorizing such transfers.

Chapter IV, *Personal Data Protection in the Age of Artificial Intelligence* brings to forefront the complex interaction between personal data protection and the use of artificial intelligence (AI) technologies. The chapter explores the need to establish a robust legal and ethical framework for the development and deployment of AI systems, in line with core European values such as human dignity, freedom, and respect for private life.

Artificial Intelligence poses substantial challenges to data protection, especially when analyzed in light of the standards enshrined in international human rights law. The use of algorithms that involve the processing of personal data—such as facial recognition, behavioral analysis, or automated profiling—can undermine fundamental principles such as human dignity, privacy, and personal autonomy. In this context, it becomes essential to examine how the European

[11] Mistale Taylor, *Transatlantic Jurisdictional Conflicts in Data Protection Law. Fundamental Rights, Privacy and Extraterritoriality*, Editura Cambridge University Press, 2023, p.202.

Convention on Human Rights and other international instruments respond to these technological innovations, setting clear limits on the use of AI to prevent abuse and discrimination.

The chapter illustrates, for example, how *deepfake* technologies, based on machine learning algorithms, generate false but highly realistic visual or audio content, which can severely impact privacy, reputation, and personal security. This technology poses a direct threat to the right to data protection, as it may involve the unauthorized use of an individual's image or voice, often without consent and for illicit purposes.[12] The risks of manipulation, disinformation, and harassment call for urgent legislative interventions and proportionate sanctions to protect individuals against this form of digital harm to dignity.

In the absence of a unified global legal framework, AI regulation remains fragmented and reactive. However, the European Union has distinguished itself through proactive legislative initiatives, aiming to ensure the ethical, safe, and transparent use of AI technologies. The legal norms adopted impose strict obligations on high-risk AI systems, as well as compliance measures for both developers and users. The regulation addresses not only data protection but also the prevention of algorithmic discrimination, lack of transparency, and interference with individual freedoms.

The European Union promotes a rights-centered approach, in contrast with economic models based on algorithmic surveillance (such as in China) or loose self-regulation (as in the United States). Within this geopolitical context, the EU aims to set a global standard in AI governance, positioning itself as a leader in ethical and responsible technological regulation. These divergent approaches reflect distinct values regarding data protection, digital sovereignty, and the role of the state in controlling emerging technologies.

The adoption of Regulation (EU) 2024/1689 on Artificial Intelligence highlights numerous challenges related to its compatibility and interoperability with the provisions of the GDPR. Both regulations are founded on common principles—transparency, accountability, and the protection of individuals—yet differences in scope and terminology can lead to legal

[12] Abhishek Singh Chauhan, Mohit Kukreti, Sanjay Taneja, Swati Gupta, *Mastering Deepfake Technology: Strategies for Ethical Management and Security*, Editura River Publishers, 2025, p.318.

uncertainty for operators. Harmonization of these norms is essential to avoid contradictions and to ensure coherent application within the European digital space.

The AI Act, officially adopted in June 2024, introduces a comprehensive legal regime for the use of artificial intelligence within the EU. The Act classifies AI systems based on risk levels (minimal, limited, high, and unacceptable) and sets specific obligations for each category. Special emphasis is placed on the protection of data used in high-risk AI systems, including requirements for audits, technical documentation, and conformity assessments. The impact is significant in sectors such as healthcare, education, employment, and law enforcement.

With regard to the intersection between the General Data Protection Regulation and the AI Act, this subsection analyzes the overlaps between the two, especially concerning data processing principles, the responsibilities of controllers, and the rights of data subjects. While the GDPR provides a general framework for data protection, the AI Act introduces additional technical and procedural requirements aimed at ensuring algorithmic safety. It is crucial for these two instruments to operate synergistically, avoiding redundant or contradictory regulations.

In practice, protecting data in an AI-driven digital environment requires the implementation of strict technical and organizational mechanisms. These measures include: Data Protection Impact Assessments (DPIAs), ethical and secure algorithm design (privacy by design and by default), data anonymization or pseudonymization, and clear communication to data subjects. It is increasingly evident that the development of AI must integrate data protection principles from the outset in order to uphold fundamental rights in the context of ever-expanding technologies.

General Conclusions

The right to the protection of personal data has gained essential relevance in the context of accelerating digitalization and technological advancement, particularly through the proliferation of artificial intelligence. From being a mere means of identification, personal data has evolved into strategic resources with economic value and profound implications for privacy, dignity, and individual autonomy. In an interconnected digital ecosystem, where data collection and processing often occur beyond the conscious control of the data subject, the issue of data protection becomes fundamental to the contemporary legal order.

The research conducted highlights that the current legal framework, centered around the GDPR, although solid and harmonized at the European level, faces limitations in addressing the challenges posed by new technologies. Specifically, machine learning and big data technologies raise questions about the effectiveness of informed consent, algorithmic transparency, and the accountability of data controllers. These issues reveal a potential imbalance between individuals' rights and the economic or functional interests of entities processing data, calling for a more dynamic legal framework capable of anticipating and managing emerging risks.

Another essential aspect is the need to reconfigure the principle of individual autonomy in the digital environment. In this regard, mere consent is no longer sufficient to ensure effective protection; it is necessary to strengthen complementary mechanisms such as algorithmic audits, Data Protection Impact Assessments (DPIAs), proactive accountability, and ethical oversight. Furthermore, regulations from the sphere of artificial intelligence, such as the new Regulation (EU) 2024/1689 on AI, must be integrated into a coherent, interoperable, and sustainable normative framework.

The importance of this research lies in its interdisciplinary nature, combining law with technology, ethics, and the digital economy, allowing for a complex and contextualized approach to data protection. Through normative, comparative, and jurisprudential analysis, the thesis identifies not only the current shortcomings of the regulatory system but also concrete directions de lege ferenda for creating a flexible, effective legal framework adapted to a constantly

changing reality. Thus, the research contributes to strengthening a balanced system of digital governance that ensures the full exercise of fundamental rights in the technological age.

The protection of personal data has evolved from being a mere extension of the right to privacy into a distinct fundamental right, explicitly enshrined at the European level in Article 8 of the Charter of Fundamental Rights of the European Union. This autonomy is justified by the specific nature of the right, which implies an individual's effective control over their own data, especially in the context of accelerated digitalization.

Regulation (EU) 2016/679 (GDPR) is the cornerstone of European data protection law, introducing key principles such as lawfulness, transparency, purpose limitation, and accountability. Its implementation has contributed to harmonizing member states' legislation and establishing a high standard of protection with global influence.

Data transfers outside the European Economic Area highlight increased risks related to confidentiality, governmental interference, and the lack of effective remedies, as illustrated by CJEU case law (Schrems I & II). Therefore, the use of protective mechanisms (such as standard contractual clauses, adequacy decisions, etc.) is essential to maintaining an equivalent level of protection across jurisdictions.

At the same time, AI-based technologies raise complex issues regarding the processing of personal data, particularly in cases of profiling, automated decision-making, or deepfakes. These can seriously affect dignity, autonomy, and privacy. For this reason, rigorous and ethical regulation is necessary, and the AI Act (2024/1689) represents a significant step toward a robust European legal framework.

The current digital context requires a balance between technological innovation (AI, big data, IoT) and the protection of individuals' fundamental rights. The European Union adopts a human-centered approach, distinct from other geopolitical models, promoting clear rules, institutional oversight, and respect for human dignity. Although the GDPR and AI Act share common principles, differences in terminology and regulatory scope can lead to confusion or inconsistent application. Constant efforts toward harmonization and institutional cooperation are

vital for coherent rule enforcement and clarifying the relationship between the CJEU and the ECtHR in the field of data protection.

As an EU member state, Romania directly applies the GDPR, while also adopting national legislation (Law no. 190/2018) to address local specificities. The National Supervisory Authority (ANSPDCP) plays a crucial role in monitoring the correct application of the rules, including in cases involving international transfers or the use of advanced technologies.

The protection of personal data has become a key component of human rights in the digital era, requiring an integrated, adaptive, and ethical approach. The clash between global technological dynamics and European legal standards necessitates a constant rethinking of the regulatory framework to ensure that individual rights remain central and effectively protected in the information society.

In this context, data protection legislation must evolve continuously to regulate new digital environments, especially as online platforms become the primary means of communication between citizens and public institutions. Protecting fundamental rights in the context of digitalization is a complex challenge, requiring a multidisciplinary approach and ongoing adaptation of the legislative framework. The relationship between technology and civil rights must be seen not only through the lens of risks but also as an opportunity to improve quality of life in a digitalized society. While digitalization is a driver of progress, it can also pose significant threats to fundamental rights, necessitating clear regulation and appropriate legal accountability to address current challenges. Protecting the fundamental right to personal data not only ensures respect for privacy and individual autonomy but also contributes to strengthening citizens' trust in the digital environment.

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Directive

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2. Directiva privind confidențialitatea și comunicațiile electronice
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Legi /Decizii

1. Legea nr. 190/2018 privind protecţia persoanelor fizice în ceea ce priveşte prelucrarea datelor cu caracter personal şi privind libera circulaţie a acestor date. Legea de punere în aplicare a Regulamentului (UE) 2016/679
2. Legea nr.105/2005 actualizata prin LEGEA nr. 129/2018, Publicata în Monitorul Oficial numărul 503 din data de 19 iunie 2018)privind înfiinţarea, organizarea şi funcţionarea Autorităţii Naţionale de Supraveghere a Prelucrării Datelor cu Caracter Personal
3. Legea 129/2018 pentru modificarea și completarea Legii nr. 102/2005 privind înființarea, organizarea și funcționarea Autorității Naționale de Supraveghere a Prelucrării Datelor cu Caracter Personal, precum și pentru abrogarea Legii nr. 677/2001 pentru protecția

persoanelor cu privire la prelucrarea datelor cu caracter personal și libera circulație a acestor date

4. Legea nr. 284/2018 privind utilizarea datelor din registrul cu numele pasagerilor din transportul aerian de abrogare a Ordonanței Guvernului nr. 13/2015 privind utilizarea unor date din registrele cu numele pasagerilor.
5. Legea nr. 129/2019 privind prelucrarea datelor cu caracter personal și protecția vieții private în sectorul comunicațiilor electronice.
6. Legea nr. 129 din 11 iulie 2019 pentru prevenirea și combaterea spălării banilor și finanțării terorismului, precum și pentru modificarea și completarea unor acte normative
7. Ordinul nr. 125 din 18 august 2020 pentru aprobarea Normelor de protecție a informațiilor clasificate în domeniul activităților contractuale desfășurate în cadrul Ministerului Afacerilor Interne
8. Decizia nr.133/2018 (Publicata în Monitorul Oficial numărul 600 din data de 13 iulie 2018)privind aprobarea Procedurii de primire şi soluţionare a plângerilor in legatura cu aplicarea Regulamentul general privind protecţia datelor
9. Decizia 161/2018 privind aprobarea Procedurii de efectuare a investigațiilor de catre Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal, denumită în continuare ANSPDCP

Jurisprudență CJUE/CEDO

1. CEDO, *Barcelona Traction, Light and Power Company , Limited - Belgium v. Spania*.
2. CEDO, *Satakunnan Oy și Satamedia Oy c. Finlanda*, nr. 931/13.
3. CEDO, *Oy c. Finlandei* 2017 și *Z c. Finlandei*, 1997.
4. CEDO, , *S. AND MARPER v. THE UNITED KINGDOM*, ECHR 1581, 30562/04.
5. CEDO*, Peck c.Regatului Unit.*
6. CEDO, *Rotaru c.României*, Cererea nr. 28341/954.
7. CEDO *Amann c. Elveției*, Cererea nr. 27798/95.
8. CEDO, *Rutili v. The Minister for the Interior*, C-36/75, 1975 E.C.R. I-1219.
9. CEDO, *Szabo și Vissy c. Ungariei*. Apl. Nr. 37138/14.
10. CEDO, *Avotins î. Letoniei* , Hotărârea din 23 mai 2016, nr. 17502/07.

11. CEDO, *Moustaquim v. Belgium* (cererea nr. 12313/86).
12. CEDO, *Neulinger și Shuruk c. Elveția* (petiția nr 41615/07).
13. CEDO, *Scoppola c. Italiei* (nr. 10249/03).
14. CEDO *Berlusconi v. Italy* (hotărârea nr. 58428/13).
15. CJUE, *Connolly î. a 15 state membre ale Uniunii Europene* (Recurs nr. 73274/01).T - 163/96, Connolly/Comisia, Rec. 1999.
16. CEDO, *Leander c. Suedie*i, Cererea nr. 9248/81.
17. CEDO, *Satakunnan Markkinapörssi Oy și Satamedia Oy împotriva Finlandei* (MC), 2017.
18. CEDO, *Z c. Finlandei*,1997.
19. CEDO, *Von Hannover î. Germaniei*,C-40660/08 și 60641/08.
20. CEDO, *Benedik î. Sloveniei*, Cerereaa 62357/14.
21. CEDO, *Amann împotriva Elveției,* Cererea 27798/95 (MC).
22. CEDO, *Haralambie împotriva României*, Cererea 21737/03.
23. CEDO, *Bernh Larsen Holding AS și alții î. Norvegiei*, Cererea 24117/08.
24. CEDO, *Liberty și alții î. Regatului Unit*, Crererea 58243/00.
25. CEDO, *Sinan Işık î. Turciei, Crererea 21924/05.*
26. CEDO, *Alexandridis î. Greciei.*
27. CEDO, *Mockutė î.Lituaniei*.

28. CJUE, C-92/09, C-93/09 Curtea Europeană de Justiție, *Volker und Markus Schecke GbR și Hartmut Eifert î. Land Hessen. Volker und Markus Schecke GbR.*
29. CJUE, C-400/10, *J. McB. v. L.E.*.
30. CJUE, C-176/12, *Assoc. mediation sociale*.
31. CJUE, C-292/97, *Karllsson*.
32. CJUE, C-70/10, *Scarlet Extended*.
33. CJUE, C-555/07, *Kucukdeveci,*.
34. CJUE, C-131/12, *Google Spain SL și Google Inc. î. Agencia Espanola de Protection de Datos (AEPD) și Mario Costeja Gonzălez*.
35. CJUE, T-85/09 *Yassin Abdullah Kadi c. Comisiei Europene.*
36. CJUE, C-411/10 *N. S. c. Secretary of State for the Home Department*

37. CJUE, C-493/10 *M. E. și alții c. Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform.*
38. CJUE, C-432/22.
39. CJUE, C-362/14, *Schrems î. Data Protection Commissioner*,.
40. CJUE, C-368/95, 1997 I-03689, *Vereinigte Familiapress Zeitungsverlags- und vertriebs GmbH v Heinrich Bauer Verlag*,.
41. CJUE,C- 36-75 *Rutili v. Ministre de l'intérieur France*.
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43. CJUE, C-29/69 *Stauder v City of Ulm*,.
44. CJUE, C-39954/08, *Axel Springer AG împotriva Germaniei*,.
45. CJUE C-465/00, C-138/01, C-139/01, și cauza *Rechnungshof,* Cererea 465/00.
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48. CJUE, C-61/19, *Orange Romania SA î. Autorității Naționale de Supraveghere a Prelucrării Datelor cu Caracter Personal (ANSPDCP).*
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