## Contents

| List of        | figures   | viii |
|----------------|---|------|
| List of tables |   | ix   |
| List of        | List of contributors  |      |
| List of        | List of reviewers   |      |
| Prefac         | ce  | xvii |
|                | uction to Research Handbook on EU Data Protection Law<br>d Leenes, Eleni Kosta and Irene Kamara   | 1    |
| 1              | Two decades of Article 8 CFR: A critical exploration of the fundamental right to personal data protection in EU law <i>Plixavra Vogiatzoglou and Peggy Valcke</i>                     | 11   |
| 2              | Data protection as performance-based regulation  Jakub Mišek  | 50   |
| 3              | A divided European data protection framework: A critical reflection on the choices of the European legislator post-Lisbon <i>Eleni Kosta</i>  | 68   |
| 4              | A critical reflection on the material scope of the application of the Law Enforcement Directive and its boundaries with the General Data Protection Regulation  Magdalena Brewczyńska | 91   |
| 5              | Government-to-Business (G2B) research data sharing and the GDPR: Reconciling the 'public' with the 'private'?<br>Stergios Aidinlis  | 115  |
| 6              | Conceptualising the interrelation between data protection regulation and competition law <i>Alessia Sophia D'Amico</i>  | 143  |
| 7              | The intersection of data protection rights and trade secret privileges in 'algorithmic transparency' Katarina Foss-Solbrekk and Ann Kristin Glenster                                  | 163  |
| 8              | 'Paying' with personal data in digital business to consumer contracts: Bringing successfully together two worlds apart? Thalia Prastitou Merdi  | 184  |

## vi Research handbook on EU data protection law

| 9  | Data-driven business models – Privacy and marketing  Jan Trzaskowski  | 206 |
|----|---|-----|
| 10 | 'Dark patterns': The case for regulatory pluralism between the European Union's consumer and data protection regimes <i>M.R. Leiser</i>   | 240 |
| 11 | Data protection and judicial automation  Marco Almada and Maria Dymitruk  | 270 |
| 12 | Reaching beyond its territory – An analysis of the extraterritorial scope of European data protection law<br>Simon Henseler and Aurelia Tamò-Larrieux   | 290 |
| 13 | Essential equivalence as a benchmark for international data transfers after <i>Schrems II</i> Laura Drechsler and Irene Kamara  | 314 |
| 14 | The radical reframing of the purpose limitation principle — Why the Dutch delegation uprooted data protection <i>Tijmen H.A. Wisman and Rein J.L. Tijm</i>  | 353 |
| 15 | Context as key: The protection of personal integrity by means of the purpose limitation principle<br>Heidi Beate Bentzen  | 381 |
| 16 | Defining the scope of AI ADM system risk assessment  Michelle Seng Ah Lee, Jennifer Cobbe, Heleen Janssen and Jatinder Singh  | 405 |
| 17 | Understanding the legal bases for automated decision-making under the GDPR Maja Nišević, Alan M. Sears, Eduard Fosch-Villaronga and Bart Custers  | 435 |
| 18 | The role of consent in an algorithmic society – Its evolution, scope, failings and re-conceptualization  Bart Custers, Eduard Fosch-Villaronga, Simone van der Hof, Bart Schermer,  Alan M. Sears and Aurelia Tamò-Larrieux | 455 |
| 19 | Explicit consent and alternative data protection processing grounds for health research  Jiahong Chen, Edward S. Dove and Himani Bhakuni  | 474 |
| 20 | Data protection, control and participation beyond consent – 'Seeking the views' of data subjects in data protection impact assessments  Athena Christofi, Jonas Breuer, Ellen Wauters, Peggy Valcke and Jo Pierson          |     |
| 21 | Meaningful transparency through data rights: A multidimensional analysis Laurens Naudts, Pierre Dewitte and Jef Ausloos   | 530 |

|       |  | Contents | vii |
|-------|--|----------|-----|
| 22    | Between incrementalism and revolution: How the GDPR right to data portability is revamped by the EU and the UK post Brexit <i>Wenlong Li</i> |          | 572 |
| 23    | Data protection enforcement in the era of the Directive on Whistleblowers: Towards a collective approach? <i>Amélie Lachapelle</i>           |          | 600 |
| Index |  |          | 620 |