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BALANCING CYBER-SECURITY AND PRIVACY (BRATISLAVA, 28 FEBRUARY 2020) / Mária T. Patakyová

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Comenius University in Bratislava has an honour to be part of a significant project dedicated to today's legal and security problems. Together with Palacky University, Tallinn University of Technology, Ruprecht-Karls-Universität Heidelberg and Taras Shevchenko national University of Kyiv, these five universities form a Jean Monnet Network. They are considered to be the leading universities in their respective countries, which is a promising commencement of a fruitful and impact-driven research network.

The topic of the Jean Monnet Network is the European Union and the Challenges of Modern Society (Legal Issues of Digitalization, Robotization, Cyber Security and Prevention of Hybrid Threats). It comprises various issues which must be dealt with by our society, one of them being the balance between cyber-security and privacy, which was the topic of this Jean Monnet Network's workshop.

The workshop took place in the premises of the Faculty of Law, Comenius University in Bratislava, Šafárikovo square No. 6, Bratislava (particularly in a very distinguished room named Iuridicum). It started on Friday, 28 February 2020, 9 a.m. Due to the fact that this workshop was the very first one from a significant list of events to be organised within the Jean Monnet Network, the first section was addressed to the members of the Jean Monnet Network. During this session, an important information of organisational character was delivered. This session was held by Assoc. Prof et Assoc. Prof JUDr. Naděžda Šišková, PhD., who is Head of Jean Monnet Centre of Excellence in EU Law at Palacky University.

Section two, opened for the public, started at 10:30 a.m. The honour of opening of the workshop was given to the local organisers of the workshop, namely Assoc. Prof.

RNDr. Daniel Olejár, PhD., Vice-Rector for Information Technology at Comenius University in Bratislava; and Assoc. Prof. JUDr. Eduard Burda, PhD., Dean of the Faculty of Law, Comenius University in Bratislava.

The keynote speech of the workshop was delivered by JUDr. Soňa Matochová, Ph.D., Head of Analytic Department of the Czech Authority for the Protection of Personal Data. Being a person from application practice with academic background, she secured more than suitable beginning of the substantive part of the workshop. Her forty-minute speech was focused, among others, on the human rights background of the data protection, historical development of data protection, basic presentation of General Data Protection Regulation (GDPR) as a principle-based regulation, characteristic features of GDPR, and independence of data protection authorities with an accent to judgements of the Court of Justice of the European Union (CJEU). The speech touched upon crucial issues related to data protection, such as possibility to sell personal data or importance of correct understanding of technologies for correct protection of personal data.

The keynote speech was followed by another distinguished speaker, Mgr. et Mgr. Ondřej Filipec, Ph.D. from Palacký University Olomouc, Faculty of Law. The topic of his presentation was Cybersecurity in Healthcare. It raised interest throughout the audience as it discussed a recent case of ransomware in hospital in Benešov, Czech Republic. The ransomware encrypted hospital's data and the attackers were blackmailing the hospital that the recovery is possible only after payment of a substantial sum of money. The case was analysed and certain risk factors, which are capable of making a hospital more vulnerable, were identified.

Tanel Kerikmäe, LL.M, LL.Lic, Ph.D. (Tallinn University of Technology) continued in a workshop's high level of expertise. His presentation was named: Estonian Artificial Intelligence Legal Strategy: Dilemmas Related to State Liability, Awareness and Privacy. He pointed out many interesting challenges that must be tackled by Estonia, which is one of the most progressive countries regarding the employment of computers and algorithms in the public sector. To mention but few, he touched upon the issues related to data sharing between Finland and Estonia, employment of artificial intelligence in e-governance, creation and employment of a robot-judge, or taxation of artificial intelligence.

The morning session was concluded by Assoc. Prof. RNDr. Daniel Olejár, PhD., Vice-Rector for Information Technology at Comenius University in Bratislava. His immense expertise in cyber-security was transferred into a presentation on the topic Functionality, Security and Privacy (in Cyberspace). His speech was launched by a definition of cyber-security as information security in cyber-space. After underlining several interesting facts on data quantity created by our society, he focused on issues such as data security, data integrity, data availability, privacy and personal data. Being responsible for information technology of Comenius University, his speech was enriched by his practical experience.

The afternoon session was launched by a presentation of JUDr. Mária T. Patakyová, PhD. (Comenius University in Bratislava, Faculty of Law) on the topic of Cybersecurity and Private Entities. The presentation explored obligations of private entities (especially small ones, such as small e-shops) towards data-security on their websites. Several pieces of legislation were analysed, namely Act No. 69/2018 Coll. on Cybersecurity; GDPR and Act No. 18/2018 Coll. on Personal Data Protection; Act No. 513/1991 Coll. Commercial Code (in relation to unfair competition); Act No. 40/1964 Coll. Civil Code (in relation to consumer protection) and other acts of law regulating consumer protection. The analysis was supplemented by considerations on potential applicability of competition law and civil liability. The outcome of the presentation was that there are

several legal obligations based on which even small e-shops may be obligated to secure data.

This presentation was followed by JUDr. Matúš Mesarčík, LL.M (Comenius University in Bratislava, Faculty of Law) who explored Faces of Privacy in the Context of Cyber-security. He focused on different faces of privacy. In relation to privacy qua human right, he outlined Article 8 of European Convention on Human rights, Articles 7 and 8 of EU Charter on Fundamental Rights, and Slovak constitution, where the regulation of privacy is spread around various articles. Subsequently, he presented the relationship between privacy and data protection and several future developments which should be monitored.

A speech on Cybersecurity Incident Notification was delivered by JUDr. Jozef Andraško, PhD. (Comenius University in Bratislava, Faculty of Law). His presentation gave valuable insights on incident notification which is regulated by several acts of law and may cause considerable troubles to basic services providers, especially the small ones. Furthermore, the presentation uncovered a possible non-compliance of the Slovak legislation with the EU NIS directive.

An insights on Security – Criminal Law Aspects, was a theme presented by Mgr. Petra Dražová (Comenius University in Bratislava, Faculty of Law). She pointed out the distinction between cyber-dependent crimes on the one hand, and cyber-enabled crimes on the other. Her presentation also zoomed in on Convention on Cybercrime and relevant EU law secondary legislation.

Last but not least, Mgr. Zoltán Gyurász (Comenius University in Bratislava, Faculty of Law) presented the topic of Uniqueness of Internet of Things Devices – from Privacy to Personal Data. He mentioned a tool which is increasingly used nowadays – smartwatch. In this regard, improved transparency is called upon, namely what data is collected, where it is stored and how it is processed.

All the contributions were followed by a fruitful discussion, led mainly by Prof.Dr.Dr.habil.Dr.h.c.mult. Peter-Christian Müller-Graff, Ph.D.h.c., MAE (Ruprecht-Karls-Universität Heidelberg). One discussion, particularly noticeable, was related to liability concepts in cases of employment of artificial intelligence. Various concepts were debated, whereas the most suitable concept seemed to be the concept of objective liability of the producer of an AI product.

The workshop was ended around 4.30 p.m. It proved to be a platform for excellent presentations followed by a vivid discussion in a collegial ambiance. Thus, we may look forward to other interesting presentations and discussions during the following events within the Jean Monnet Network.

