

Anna Zubrycka

Abstract of the doctoral dissertation

"Protection of natural persons in relation to the processing of their personal data in video surveillance".

The processing of personal data is to serve mankind and the development of new technologies makes new opportunities emerge, including those related to video surveillance, which was used in Poland quarter-century ago. In order to take advantage of the opportunities and to reduce the risks associated with video surveillance, the applicable law should be changed.

In the last decade, a comprehensive regulation of video surveillance in Poland has been advocated both by public bodies and non-governmental organisations as well as the legal doctrine. Growing threats related to the processing of personal data by video surveillance systems were perceived, but legislative work involved only two drafts of the law and was not continued. The Treaty of Lisbon, reforming the EU law, had a significant impact on the shape of personal data protection regulation, allowing its unification in all EU Member States, which excluded the possibility of comprehensive regulation of monitoring in national law.

The preliminary analysis indicated that a multi-level legal regulation should ensure the protection of individuals in relation to the processing of their data, inter alia, by granting them the right of access to their data, but the exercise of this fundamental right may encounter difficulties. To fill the cognitive gap in the field of comprised regulation of camera monitoring, a functional approach was therefore applied. Taking into account both the normatively postulated and realistically observed state in research may increase its practical usefulness for data protection in the field of video monitoring.

For this purpose, first of all, the adopted regulations of video surveillance of all 30 countries of the European Economic Area were reviewed in the context of personal data processing. The effectiveness of the right to access and obtain copies of data, guaranteed in the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27.4.2016 on the protection of natural persons with regard to the processing of personal data and on the free

movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation)(Official Journal of the EU L 119 of 4.5.2016, p. 1 as amended) in order to confirm or falsify the general thesis that in the protection of natural persons in relation to the processing of their personal data in the framework of video surveillance, the implementation of the right of access and obtaining a copy of recordings as well as the use of techniques of anonymisation of them are important. The *de lege lata* remarks and *de lege ferenda* postulates were concertized. Detailed research hypotheses were verified in subsequent chapters of the work.

The first chapter presents the historical outline of the regulation of data protection of natural persons and changes in its structure and evolution of concepts resulting from the Europeanisation of law.

The second chapter analyses the definitions of monitoring developed by the legal doctrine. It also reviews the specific regulations of monitoring and those contained in national data protection acts of all 30 states belonging to the European Economic Area (EEA). A special analysis was made of the Polish, sectoral regulation of monitoring contained in nearly 50 legal acts.

The third chapter analyses the definitions of data processing in the context of video surveillance, as well as anonymisation and pseudonymisation as measures for data protection. It also reviews the decisions of European supervisory authorities which found deficiencies in relation to the performance of video surveillance by data controllers.

The fourth chapter analyses the functions of video surveillance, understood according to the sociology of administration as goal-oriented activities normatively postulated and realistically observed. The effectiveness of the right of access of natural persons to their own data processed in connection with camera monitoring has been designed and tested. Taking into account the doctrine and research results, a model of the execution of a request for access to data processed by monitoring systems has been formulated, which can be used in practice by entities applying video monitoring.

The dissertation concludes with a summary and conclusions that result from theoretical findings, comparative legal research of monitoring regulations in EEA states, as well as empirical research, confirming the general thesis. *De lege lata* postulates are formulated on the existing sectoral regulation of video monitoring and *de lege ferenda* for the possibility of regulating video monitoring or sectoral codes of good practice. Areas requiring further research were also identified.

The research used legal research methods, mainly the dogmatic method, analysing legislation, case law and doctrine. The historical method was also used in the study of decisions and recommendations of the EU supervisory authorities in the field of personal data protection and the comparative method in the study of monitoring regulations in the countries of the European Economic Area. The empirical method was used to analyse the effectiveness of the right of access to monitoring data.