

The European Data Protection Regimes: from Principles to Processes

Rotem Medzini

The entry into force of a new legal framework for data protection, and in its center the General Data Protection Regulation (GDPR), symbolizes a change in the European Internet policy and specifically its data protection regime. In fact, the legal framework requires implementation of data protection policies on three layers simultaneously: the supranational layer, the national layer, and the corporate layer. In this article I claim that rather than simply codifying existing practices into European law, the new legal framework represents a shift to process-based regulation regime implemented alongside the new and centric accountability principle. Primarily, The new process-based instruments represent a regulatory strategy in which managers are required to implement policies that promote social goals such as data protection. This shift is important due to the European data protection regime's extra-territoriality impact as well as data protection policy's importance in the age of big data, the Internet of things, and the global debate about the surveillance society. This paper identified the relevant regulatory instruments and categorizes them. In so doing, the paper assist in understanding how policymakers expect the different actors to act, and when these actors do not act as expected – how policymakers empower other actors to respond.