

THE PRINCIPLES AND PROCEDURES OF PERSONAL DATA PROTECTION USED IN COMBATING DISINFORMATION

Daniel-Mihail ȘANDRU

Centre for European Legal Studies, Institute for Legal Research
“Andrei Rădulescu”,
The Romanian Academy, Romania

Summary: *The article addresses the issue of disinformation and fake news from the perspective of the usefulness of the procedures and principles regulated in the matter of personal data protection. The main regulation is the General Data Protection Regulation (GDPR), and we will research public communications from two current crisis areas: the health crisis and the military crisis. From the aforementioned regulation, we will base our research on three key elements: principles, rights of data subjects, technical and organizational measures (procedures). Can GDPR provide support against fake news? The study demonstrates that under ideal conditions, complying with the GDPR or applying its rules can lead to the removal of fake news from the source, from the main data controller or can lead to the identification of the incorrect message by the user.*

Keywords: *Fake news, personal data protection, technical and organizational measures, principles, GDPR.*

Introduction¹

Disinformation (fake news) is not a new phenomenon, but it is increased by the ways of transmitting information, the emergence of social networks, technological progress in general². As technology is complex, the countermeasures are

¹ [The author would like to thank Mr. Marius Cătălin Mitrea for the support offered in translating the article in English.]

² Julie Posetti, Alice Matthews, *A short guide to the history of “fake news” and disinformation. A learning module for journalists and journalism*

networks can profile regular users. A fourth problem is ghost or fake accounts on social networks. This issue is discussed both by the authorities in the European Union and by social networks that announce the elimination of fictitious or cloned accounts³².

Conclusions

The publication of information is sometimes the disclosure of personal data. In this communication sequence, the methods, principles, techniques in the field of data protection can intervene, as they are regulated by the GDPR. European Regulation can play a role in combating fake news where personal data is processed. Verified and accurate communications also comply with data protection principles, and procedures can complement ensuring the legality of processing. The GDPR becomes an auxiliary instrument to guarantee other rights, such as the right to information and the fight against fake news. This tool can itself be proceduralized: verification, citation and use of sources, confrontation of information, legality of information, application of techniques for verification of sources coming from natural and legal persons who do not have responsibility for the information.

Bibliography

1. Manny Cohen, "Fake news and manipulated data, the new GDPR, and the future of information", *Business Information Review*, 2017, Vol. 34(2) 81–85;
2. Sarah Eskens, Natali Helberger, Judith Moeller, "Challenged by news personalisation: five perspectives on the right to receive information", *Journal of Media Law*, Vol. 9, 2/2017;
3. Maksym Gabielkov, Arthi Ramachandran, Augustin Chaintreau, Arnaud Legout, "Social Clicks: What and Who Gets Read on Twitter?", ACM SIGMETRICS / IFIP Performance 2016, Jun 2016, Antibes Juan-les-Pins, France. <https://hal.inria.fr/hal-01281190/document> ;
4. Alexandru Georgescu, Irina Alexe, Daniel-Mihail Șandru, "Ciocnirea valorilor: legea română privind liberul acces la informațiile de interes public și protecția datelor personale [The clash of values: the Romanian law on free access to information of public interest and the protection of personal data]", *Revista română pentru protecția și securitatea datelor cu caracter personal (RRPSDCP)*, nr. 2/2020, p. 24-33.

³² See e.g. *The Strengthened Code of Practice on Disinformation 2022*.

5. Julie Posetti, Alice Matthews, "A short guide to the history of 'fake news' and disinformation. A learning module for journalists and journalism educators", ICFJ – International Centre for Journalists, 2018, available at <https://icfj.org>;
6. Andrea Renda, *The legal framework to address "fake news": possible policy actions at the EU level*, European Parliament, 2018;
7. Vivek K. Singh, Isha Ghosh, Darshan Sonagara, "Detecting fake news stories via multimodal analysis", *JASIST*, Vol. 72, 1/ 2021;
8. Adriana Maria Șandru, Daniel-Mihail Șandru, "Dreptul umanitar și protecția datelor personale [Humanitarian law and personal data protection]", *Pandectele române*, nr. 6/2018;
9. Adriana-Maria Șandru, Daniel-Mihail Șandru, "Consecințele lui „îmi place”: cauza Fashion ID, C-40/17, continuitate și noutate în interpretarea conceptului de operator în dreptul Uniunii Europene [The consequences of "I like": the case Fashion ID, C-40/17, continuity and novelty in interpreting the concept of controller in European Union law]", *Pandectele române*, nr. 5/2021;
10. Daniel-Mihail Șandru, "Răspunderea administratorului unei pagini găzduite pe o rețea socială. Calitatea de operator în sensul reglementărilor privind protecția datelor [Liability of the Administrator of a Page Hosted by a Social Network. Quality of Controller within the Meaning of the Regulations on Personal Data Protection]", *Dreptul*, nr. 7/2019;
11. Daniel-Mihail Șandru, "Ierarhizarea valorilor și drepturilor fundamentale în activitatea jurnalistică [The hierarchy of fundamental values and rights in the journalistic activity]", *Revista Dreptul*, nr. 4/2020;
12. Daniel-Mihail Șandru, "Principiul transparenței în protecția datelor cu caracter personal [Transparency principle in the data protection law]", *Pandectele române*, nr. 4/2018;
13. Daniel-Mihail Șandru, "The fairness principle in personal data processing", *Law Review*, 1/2020;
14. Daniel-Mihail Șandru, "Principiile integrității și confidențialității în protecția datelor personale [Principles of integrity and privacy in the protection of personal data]", în *Supliment Revista de drept public*, 2018;
15. Daniel-Mihail Șandru, "Principiile protecției datelor – de la teorie la practică [Principles of data protection - from theory to practice]", *Curierul Judiciar*, nr. 6/2018;
16. Daniel Mihail Șandru, "Dreptul de acces al persoanei vizate în jurisprudența relevantă [The right of access of the data subject in the relevant case-law]", *Revista română de drept al afacerilor*, nr. 4/2017;
17. Daniel-Mihail Șandru, "Imposibila coexistență între protecția datelor și comunitățile virtuale? Ce urmează? [Impossible coexistence between data protection and virtual communities? What's next?]", *Pandectele Române*, nr. 1/2018;
18. Edson C. Tandoc Jr., Zheng Wei Lim & Richard Ling, "Defining 'Fake News'", *Digital Journalism*, Vol. 6, Iss. 2/2018;
19. Tal Z. Zarsky, "Privacy and Manipulation in the Digital Age", *Theoretical Inquiries in Law*, vol. 20, 1/2019.

20. Tee Wee Jing, Raja Kumar Murugesan, “Protecting Data Privacy and Prevent Fake News and Deepfakes in Social Media via Blockchain Technology”, in Mohammed Anbar, Nibras Abdullah, Selvakumar Manickam (coord.), *Advances in Cyber Security*, Springer, 2021.
21. European Parliament, *The fight against disinformation and the right to freedom of expression*, 2021, available at [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695445/IPOL_STU\(2021\)695445_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695445/IPOL_STU(2021)695445_EN.pdf)
22. ENISA, *Strengthening network & information security & protecting against online disinformation (“fake news”)*, 2018.
23. OECD, *Disentangling untruths online: creators, spreaders and how to stop them*, 2022.
24. *Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27 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 Regulation on data protection)* was published in Official Journal of the European Union L 119, 4.5.2016;
25. *The Strengthened Code of Practice on Disinformation 2022*;
26. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Commission Guidance on Strengthening the Code of Practice on Disinformation, COM/2021/262 final*;
27. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Combaterea dezinformării online: o abordare europeană, Bruxelles, 26.4.2018, COM(2018) 236 final*.
28. Article 29 Working Group, *Transparency Guidelines under Regulation 2016/679, 17/RO, GL260 rev.01, adopted on 29 November 2017*, as last revised and adopted on 11 April 2018, available at address <https://www.dataprotection.ro/servlet/ViewDocument?id=1601>.

Acknowledgement The present article is published with the support of the European Union and represents a deliverable within the EU project Jean Monnet Center of Excellence in European Security and Disinformation in Multicultural Societies – no. 101047907 – ESDMS, Erasmus+. The sole responsibility of this publication lies with the author.

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union. Neither the European Union nor the granting authority can be held responsible for them..