

MODERN STUDIES IN EUROPEAN LAW



THE FUNDAMENTAL RIGHT TO DATA PROTECTION

NORMATIVE VALUE IN THE CONTEXT OF
COUNTER-TERRORISM SURVEILLANCE

MARIA TZANOU

B L O O M S B U R Y

The Fundamental Right to Data Protection

Normative Value in the Context of
Counter-Terrorism Surveillance

Maria Tzanou



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THE FUNDAMENTAL RIGHT TO DATA PROTECTION

Since the entry into force of the Lisbon Treaty, data protection has been elevated to the status of a fundamental right in the European Union and is now enshrined in the EU Charter of Fundamental Rights alongside the right to privacy. This timely book investigates the normative significance of data protection as a fundamental right in the EU. The first part of the book examines the scope, the content and the capabilities of data protection as a fundamental right to resolve problems and to provide for an effective protection. It discusses the current approaches to this right in the legal scholarship and the case-law and identifies the limitations that prevent it from having an added value of its own. It suggests a theory of data protection that reconstructs the understanding of this right and could guide courts and legislators on data protection issues. The second part of the book goes on to empirically test the reconstructed right to data protection in four case-studies of counterterrorism surveillance: communications metadata, travel data, financial data and Internet data surveillance. The book will be of interest to academics, students, policy-makers and practitioners in EU law, privacy, data protection, counter-terrorism and human rights law.

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Keele Law School
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