

**NEW TECHNOLOGIES, CHILDREN AND THE GENERAL
DATA PROTECTION REGULATION (GDPR):
THE GAP BETWEEN COMMUNICATION,
INFRASTRUCTURE AND THE APPLICATION OF AN
EUROPEAN REGULATION!**

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Abstract

One of the central concepts of the General Data Protection Regulation (GDPR) is the “*data subject*”. This notion in relation to the establishment of rights and obligations for *controllers* and *processors* becomes a common denominator in the implementation of this Regulation at the level of all Member States of the European Union. The *Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR)* was adopted, in order

to protect the privacy of *data subject*, whether a parent, an young person or a child. However, starting with the title we can identify two different actions: to assure *the protection of personal data* and *the free movement of this data* within and outside the Union borders. In this context we must take the following into account: the reality of conceptual gaps in interpretation of this document; old or non-existent infrastructure; legislative bottlenecks and the risks involved in the protection of children's data. Are parents, young people or children properly informed about their rights and the risks to which they are exposed in an era of digitalization? Can online school ensure the protection of children? Does the current infrastructure allow the optimal implementation of the General Data Protection Regulation? My research, in this context, has the aim of identifying gaps between information, infrastructure and the application of the GDPR, using the content analysis method and the questionnaire as a qualitative method of research. The expected results of this research are awareness by state institutions about the risks to which children are exposed in an era of digitalization and the awareness of the controllers about the obligation to ensure the protection of children's data in the processing process.

Keywords: GDPR, children, new technologies, controllers, rights, risks

Introduction

The idea of a united Europe was launched on May 9, 1950 by Robert Schuman, French Foreign Minister, at the initiative of Jean Monnet. The "*Schuman Declaration*" is considered the birth certificate of the European Union. The founding principles of the Union are freedom, democracy, equality and the rule of law, the promotion of peace and stability, respect for fundamental human rights and freedoms.

Used for the first time in 2000 in the "*Treaty establishing a Constitution for Europe*" (unratified), the motto of the European Union is "*united in diversity*". In accordance with this motto, the Union was created to promote and maintain peace and prosperity on the continent while allowing the free manifestation of the identity of the nations of its Member States through recognition, sharing and promoting their culture, traditions and languages.

Jacques Delors introduced the concept of *European personality*, an idea built around promoting a unitary conception of the situation of the family in society on the economic and social organization of the Member States of the Union but also on the existence of a unitary organization at the level of

cities and rural worlds. Therefore, in addition to national identity, the European citizen also develops, manifests and experiences a European identity in a multicultural *federation of national states*¹.

The concept “*culture*” will instead be related to the definition in Edward Taylor: “*Culture ... is the whole complex that includes knowledge, beliefs, arts, morals, right, habits and any other acquired capabilities and habits of [a man] as a member of society*” (Tylor 1903).

Therefore, the moral norm, regulation, law, the idea of acceptance and tolerance in relation to the other are the basis for defining a civilization. “*Tolerance makes the difference possible and the difference makes tolerance necessary*” (Walzer 2002) in the edification and maintenance of human civilization as a unity in diversity, reason and temperance being the central elements of defining tolerance.

In a multicultural space such as the European Union, communication allows the construction of relations between cultures. Common elements and identity differences can be identified through communication, but also middle paths which enable the construction of connections, and the construction of intercultural bridges. However, interculturality can have two valences: positive, by promoting tolerance, or negative, by promoting aggression, intolerance (Charaudeau 2001: 342).

Given the concepts of *communication* and *interculturality* in a positive sense, in elementary terms, *communication* is the relationship established in a certain context between a *sender* and a *receiver*. By using a *channel* and a *code*, the communication allows the transmission of a message that serves a pre-established *purpose*. In a multicultural society, communication is essential in building a climate of cooperation and maintenance of peace and security for the common good. The language of communication and decoding a message becomes a pillar in the affirmation of identity but also in the understanding and observance of identitarian differences.

¹ “*Delors is famous for the seemingly contradictory concept of a ‘federation of nation states’, which he developed by perusing a large volume of legal and constitutionalist scholarship. With great simplification, the core of the concept may be described as the appropriate attribution of selected powers and competences to different levels of authority, according to the specific requirements of achieving effective joint public policy decisions. In this concept, Delors accepts and expresses the reality of two potentially conflicting needs: providing Europe with an emotional identity (he sometimes speaks of ‘giving Europe a soul’) and guaranteeing its Member States their culture and traditions.*” Salm C., W. Lehmann. 2020. “Jacques Delors Architect of the modern European Union”. *EPRS European Parliamentary Research Service*. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652009/EPRS_BRI\(2020\)652009_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652009/EPRS_BRI(2020)652009_EN.pdf) (accessed 6 June 2023).

In the article “*Language, discourse and cultural identities*” Patrick Charaudeau wondered if *language has an identity role* (Charaudeau 2001: 342). Paraphrasing Charaudeau, subject to application of the General Data Protection Regulation (GDPR) at European Union level and at the same time in each Member State in part, I wonder if in this context regulation can hide a manifestation of national cultural identity² in terms of how to act.

In accordance with some provisions of the General Data Protection Regulation (GDPR) each Member State is entitled to intervene in completing or clarifying certain provisions of this document³. Decisions thus left to the Member States in managing the implementation of the provisions of a European document, even through its provisions, give a national perspective on its interpretation and application.

We do not intend in this article to verify the reasons for the elaboration and approval of normative acts complementary to the *General Regulation on Data Protection (GDPR)* at Member States level, but we are interested in how the identity element at the national level can govern the emergence and approval of new normative acts at the level of national legislations. This process is very important if we take into account the fact that the respect for the right to privacy and the protection of personal data are two European goals of placing the human being at the heart of society. Even if from a territorial point of view this regulation has limited effects, applying to all European citizens, regardless of the headquarters of the operators, its implementation becomes global. “*Data protection focuses on the data subject.*” (Şandru & Alexe 2018: 9).

I. The European Union, the personal data protection and the digital age

The European Union is a dynamic space. It is a space still expanding, and a space where there are Member States and candidate countries, Member States with their own organization and functioning system and their own

² “*Toutes nos sociétés, y compris les européennes, sont composites et tendent à le devenir de plus en plus: mouvements complexes d’immigrations et d’intégrations d’un côté, multiplication du communautarisme (groupes régionaux, sectes, associations) de l’autre. Car les communautés se construisent autour de valeurs symboliques qui les inscrivent dans des filiations historiques diverses, mais des communautés qui sont davantage des “communautés de discours” que des communautés linguistiques. Pour traiter de l’identité culturelle à travers les faits de langage, il faut se référer à ce qu’est la compétence langagière.*” (Charaudeau 2001: 343).

³ *General Data Protection Regulation*, Article 58, paragraph (6); Article 84, paragraph (1); Article 85, paragraphs (1) and (2); Article 90, paragraph (1). Available at: <https://www.dataprotection.ro/servlet/ViewDocument?id=1262> (accessed 20 January 2023).

rhythm of development and their own evolution. The Union's constants are given by the search for an administrative and political unit that allows for a common unitary development and course of action for all Member States.

The application of the provisions of the *General Data Protection Regulation (RGPD)*, simultaneously and directly in all Member States of the Union is another test of its functioning in a sensitive area: that of ensuring the protection of personal data both within the borders of a Member State and at Union level or outside its borders.

The pandemic caused by the COVID-19 virus but also a series of older trends in the evolution of relations at the European Union level lead to a prioritization of public and private sector digitization. It encouraged the development and use of programs which include the development of activities through the use of new technologies in virtual reality. Electronic communication between state institutions and citizens is increasingly encouraged. The pandemic created the premises for the manifestation of the era of digitalization at Union level.

Education, health, commercial and administrative activities have all long ago moved online. A recovery program of € 750 billion was adopted at European Union level in July 2020 for all Member States. Entitled “*Next Generation EU*”, this program aimed at “*mitigating the economic and social consequences caused by the COVID-19*” pandemic.

According to the European Commission, Europe needs to be “*better prepared for the challenges posed by environmental and digital transitions*”.⁴ This European program funds a number of national programs in all Member States that meet the conditions imposed by the European Commission, in the form of grants (€ 312.5 billion EUR) and loans (€ 360 billion EUR).⁵

In a digital but also united Europe, in a Europe of interoperability of public services but also of digital transformation for the benefit of the citizen, in a Europe that respects the legal framework for the protection of people's privacy but also of personal data, we will have to consider, however, that “*among the most significant characteristics of contemporary society are: Speed, Information Voracity, Vulnerability.*” (Vasiu 2011: 10)

Any access to a webpage, any action on the internet leaves “*digital traces, “which combined and connected in a virtual ecosystem” can lead to “a transposition of personality into a virtual environment”*” (Vasiu 2011: 14–15).

⁴ Ledroit, V. 2023. Plan de relance européen: où en est-on? *Toute l'Europe*, 24 October 2023. Available at: <https://www.toutteleurope.eu/economie-et-social/plan-de-relance-europeen-queles-sont-les-prochaines-etapes/> (accessed 20 January 2023).

⁵ See note 4.

Data subjects, real or false personalities created in the online environment, whether they are children, young people, parents or grandparents do not have, technically speaking, control over the fact that, by simple activity on the internet, they become subjects of profiling and possible virtual attacks.

The European Commission notes the increased frequency of large-scale attacks on information systems and the tendency “*to use information and communication technologies for the purpose of political, economic and military supremacy, including through offensive capabilities*”.⁶ The protection of personal data has become a complex and sensitive subject in the age of digitization. The rights of data subjects, as set out in the *General Data Protection Regulation (GDPR)*, bring the individual to the center of democratic societies.

The right to privacy and the right to the protection of personal data has become the core of human existence. If information means power, “*personal information contributes to the existence of the ability to influence or manipulate*” (Şandru & Alexe 2018: Preface). There are risks of a loss of autonomy, control, free will by data subjects or even their recording of material or financial losses as a result of cyber attacks. The protection of personal data decreases with the increase of the degree of exposure of people in the virtual environment.

An era of digitization, the future, therefore, comes with risks to all that human rights mean, but if the individual is exposed, democratic societies must find, by supporting this direction, a common denominator between digitization and respect for fundamental human rights and freedoms.

II. General Data Protection Regulation: between the obligation to inform data subjects about their rights and the existing gaps in communication between public institutions and citizens

In the article “*Une analyse sémiolinguistique du discours*”, Patrick Charaudeau talks about the phenomenon of psycho-socio-linguistic construction of meaning, made by the intervention of a subject, himself psycho-socio-speaker⁷. For Patrick Charaudeau, speech should be included in a

⁶ CEDO: România plătește daune de peste 300.000 EURO unor asociații de proprietari de păduri. *LegalUp*. Available at: www.legalup.ro/protectia-datelor-personale-in-era-informatiionala (accessed 20 June 2022).

⁷ “[...] Pour nous, il est une façon parmi d’autres d’aborder le discours qui consiste à insérer celui-ci dans une problématique d’ensemble qui tente de relier les faits de langage à certains autres phénomènes psychologiques et sociaux: l’action et l’influence. Dès lors, il s’agit de traiter du phénomène de la construction psychosocio-langagière du sens, laquelle se ré-

broader issue, as a whole, in which the facts of language are closely related to certain other psychological and social phenomena: *action* and *influence*.⁸

Language having several dimensions: *cognitive*, *social* and *psychosocial* and *semiotic*⁹ is multidimensional. Its social and psychosocial dimension involves questioning the value of the exchange of signs and the value of the influence of the facts of language.

The act of language has a certain intentionality generated by a concrete exchange situation and is built in a space that involves constraints and strategies. The interdependence between external influences (*external space*) and internal influences (*internal space*) involved in the act of language, determined the appearance of a three-level structuring model: *situational*, *communicative* and *discursive*.¹⁰

In a democratic society, regulation generally involves official, normative, institutional communication. This includes the elaboration of texts of normative acts, their public debate, their adoption in a final form, as

alise à travers l'intervention d'un sujet, lui-même psycho-socio-langagier." Charaudeau, P. 1995. "Une analyse sémiolinguistique du discours". *Langages*, 29e année, n°117. Larousse, Paris, 96–111. Available at: http://www.persee.fr/web/revues/home/prescript/article/lg-ge_0458-6X_1995_num_29_117_1708 (accessed 20 June 2023).

⁸ See note 7.

⁹ "[...] le langage comprend plusieurs dimensions [...]: **une dimension cognitive** à propos de laquelle se pose la question de savoir s'il y a une perception du monde et une catégorisation de celui-ci indépendante de l'action du langage ou si celles-ci se font nécessairement à travers le langage. [...] **une dimension sociale** et psycho-sociale à propos de laquelle se posent des questions sur la valeur d'échange des signes et sur la valeur d'influence des faits de langage; [...] **une dimension sémiotique** [...] à propos de laquelle se posent les problèmes de rapport entre la construction du sens et la construction des formes [...]" (Charaudeau 1995: 96–97).

¹⁰ "Cette série d'hypothèses définissant l'acte de langage comme naissant dans une situation concrète d'échange, relevant d'une intentionnalité, s'organisant autour d'un espace de contraintes et d'un espace de stratégies, et signifiant dans une interdépendance entre un espace externe et un espace interne, nous a amené à proposer un modèle de structuration à trois niveaux: — **Le niveau du situationnel** pour rendre compte des données de l'espace externe, et qui constitue en même temps l'espace de contraintes de l'acte de langage. [...]". — **Le niveau du communicationnel**, lieu où sont déterminées les manières de parler (écrire), en fonction des données du situationnel, en répondant à la question: "on est là pour comment dire ?". (qu'il soit communiquant ou interprétant) se pose la question de savoir quels "rôles langagiers" il doit tenir qui justifient son "droit à la parole" (finalité), montrent son "identité" et lui permettent de traiter d'un certain thème (propos) dans certaines circonstances (dispositif). — **Le niveau du discursif** [...] lieu d'intervention du sujet parlant, devenu sujet énonciateur, lequel doit satisfaire à des conditions de légitimité (principe d'altérité), de crédibilité (principe de pertinence) et de captation (principes d'influence et de régulation) un ensemble d'"actes de discours", c'est-à-dire, finalement, pour réaliser un texte." (Ibid., 102–103).

agreed between state institutions and civil society and their approval. From the moment of their approval, the provisions of the official texts enter into force and they produce effects seen into benefits or sanctions. We must therefore distinguish between text, context and situation, seen as a contractual condition of production – interpretation of normative acts.

“We will consider that a text is composite in terms of its semiological materiality (so pluri - coded) [...], in order to have meaning it depends on a plurality of semiological subjects, which are combined in a textual integration, send to each other (in ratios of “anchor” or “relay” as proposed by R. Barthes in his time) and cannot dissociate from each other”. (Charaudeau 1995: 108)

The official communication, which regulates the functioning of a society, whether we are referring to the state and the nation, or whether we are considering Europe as a union, involves a kind of “*communication contract*”¹¹ established between official institutions and citizens with a dual identity: a national and a European identity.

If at international level there are treaties, conventions, pacts, protocols and Charters, as cooperation and regulatory documents, respectively a “*communication contract*”, then at European level we have, directives and regulations. Laws, ordinances or government decisions intervene at the national level.

If Member States are required to transpose European directives into national law, the regulations shall apply directly. In this case, it is also the *Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR)* that is the subject of the present research. As a text of normative act, GDPR allows analysis from a discursive perspective. This is a multidisciplinary interpretation with several branches: pragmatic, psychosociological, rhetorical – enunciative or socio – ideological.¹²

¹¹ “Ce que nous proposons, c’est de construire une typologie, non des formes ni des sens, mais des conditions de réalisation des textes, c’est-à-dire des “contrats de communication”, en considérant qu’il existe des contrats plus ou moins généraux qui s’enchâssent les uns dans les autres, et que chacun de ceux-ci peut donner lieu à des variantes.” [...]” (Ibid., 105–106).

¹² “Toute linguistique est, d’un certain point de vue, “naïve”, dès lors que sa théorie et ses outils d’analyse ne sont pas centrés sur la découverte des enjeux de signification psychosociale des actes de langage qui s’échangent dans une communautés socioculturelle. C’est dans la charge sémantique des mots, à travers les modes d’organisation du discours qui les intègrent, et en situation d’échange que l’on peut repérer les traces de ces enjeux. Une telle approche du discours se situe donc dans diverses filiations: pragmatique, psychosociologique, rhétorico-énonciative, voire socio idéologique. Elle est par nécessité pluridisciplinaire.” (Ibid., 110).

For the beginning, we will review the situations of the use of “to inform” (5 occurrences) / “be informed” (9 occurrences) / “information” (137 occurrences) in the text of the regulation in order to identify at the same time the parties of the “communication contract”, the *status, social role* and place of each actor in the communication *hierarchy*, and the *balance of power* established between the actors during the communicative act.

Although one of the actors, in this case, is a public institution (*an operator*), given the kind of communication addressed (*official communication*), the complex context of the implementation of the *General Data Protection Regulation (RGPD)* allows the approach of situational competence to be addressed, in the sense that Patrick Charaudeau gives to this term in “*Langue, discours and cultural identity*”¹³.

We can say that the *subject* who has the obligation to inform the data subject, i.e. the right to communicate something to someone is the *operator* (a public institution in this case). This establishes the context and the reasons for initiating the communication: *What* does it communicate? *Why* do they communicate? *How much* do they communicate? *How* do they communicate? *What is the purpose* of the information which is being transmitted?

In order to continue the creation of the context of the communication, as provided for in the *General Data Protection Regulation*, it should be noted that the terms of the “communication contract” are set out in the Regulation. However, compliance with the conditions under the communication act (time, place and mode of transmission of messages) is supervised by a national supervisory authority and also by a network of supervisory authorities created at the level of the European Union and functional in each Member State.

In accordance with the provisions of Article 51 of the *General Data Protection Regulation* paragraph (1) and (3), Member States shall ensure that one or more independent supervisory authorities are responsible for monitoring the application of the provisions of the RGPD. This is in order to

¹³ “La compétence situationnelle exige de tout sujet qui communique et interprète qu’il soit apte à construire son discours en fonction de l’identité des partenaires de l’échange, de la finalité de l’échange et du propos qui est en jeu. L’identité des partenaires de l’échange détermine “qui parle à qui?”, en termes de statut, de rôle social et de place dans les rapports de force (hiérarchie). C’est l’identité du sujet parlant qui détermine et justifie son “droit à la parole”. La finalité de l’acte de communication se définit à travers la réponse à la question implicite: “Je suis là pour quoi dire?”, et à ce niveau de généralité, on y répond en termes de visées discursives (“prescription”, “sollicitation”, “information”, “incitation”, “instruction”, “démonstration”). [...]” (Charaudeau 2001: 344).

protect the fundamental rights and freedoms of individuals with regard to the processing of and with a view to facilitating the free movement of personal data within the Union. Where several supervisory authorities are established in a Member State, it must designate the supervisory authority representing the others in the European Committee.

Although the logic of the balance of powers places the operator in the position of authority in the communication, the beneficiaries of the information transmitted by the operators are the data subjects. In practical terms, operators are obliged to communicate to data subjects that they have rights in communicating with them and the informed data subjects can choose how much they want to exercise their rights.

The power of the information transmitted to data subjects is directly proportional to the power at their disposal in relation with the operators, as can be seen in the table below.

<i>Opinion/ Article</i>	<i>“to inform”/ “be informed”</i>
<i>opinion (42)</i>	<i>“3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall <u>be informed</u> by the controller before the restriction of processing is lifted. [...]”</i>
<i>opinion (61)</i>	<i>“The information in relation to the processing of personal data relating to the data subject should be given to him or her at the time of collection from the data subject, or, where the personal data are obtained from another source, within a reasonable period, depending on the circumstances of the case. Where personal data can be legitimately disclosed to another recipient, the data subject should <u>be informed</u> when the personal data are first disclosed to the recipient. Where the controller intends to process the personal data for a purpose other than that for which they were collected, the controller should provide the data subject prior to that further processing with information on that other purpose <u>and other necessary information</u>. Where the origin of the personal data cannot be provided to the data subject because various sources have been used, <u>general information should be provided</u>.”</i>
<i>opinion (66):</i>	<i>“To strengthen the right to be forgotten in the online environment, the right to erasure should also be extended in such a way that a controller who has made the personal data public should be obliged <u>to inform</u> the controllers which are processing such personal data to erase any links to, or copies or replications of those personal data. In doing so, that controller should take reasonable steps, taking into account available technology and the means available to the controller, including technical measures, <u>to inform</u> the controllers which are processing the personal data of the data subject’s request.”</i>

Opinion/ Article	“to inform”/ “be informed”
opinion (87)	“It should be ascertained whether all appropriate technological protection and organisational measures have been implemented to establish immediately whether a personal data breach has taken place and <u>to inform</u> promptly the supervisory authority and the data subject.”
The opinion (60)	“The principles of fair and transparent processing require that the data subject <u>be informed</u> of the existence of the processing operation and its purposes. The controller should provide the data subject <u>with any further information necessary</u> to ensure fair and transparent processing taking into account the specific circumstances and context in which the personal data are processed.[...]”
Article 7 Conditions for consent, paragraph 3	“3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. Prior to giving consent, the data subject shall <u>be informed</u> thereof. It shall be as easy to withdraw as to give consent.”
Article 8 – Conditions applicable to child’s consent in relation to information society services (the holder of parental responsibility over the child must be informed about the processing)	<p>“1. Where point (a) of Article 6(1) applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child. [...]”</p> <p>2. The controller shall make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child, taking into consideration available technology.</p> <p>3. Paragraph 1 shall not affect the general contract law of Member States such as the rules on the validity, formation or effect of a contract in relation to a child.”</p>
Article 11 Processing which does not require identification, paragraph 2	“2. Where, in cases referred to in paragraph 1 of this Article, the controller is able to demonstrate that it is not in a position to identify the data subject, the controller <u>shall inform</u> the data subject accordingly, if possible. In such cases, Articles 15 to 20 shall not apply except where the data subject, for the purpose of exercising his or her rights under those articles, provides additional information enabling his or her identification.”

Opinion/ Article	“to inform”/ “be informed”
<p>Article 13 Information to be provided where personal data are collected from the data subject, paragraph 1</p>	<p>“1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, <u>provide the data subject with all of the following information:</u></p> <p>(a) the identity and the contact details of the controller and, where applicable, of the controller’s representative;</p> <p>(b) the contact details of the data protection officer, where applicable;</p>
<p>Article 13 Information to be provided where personal data are collected from the data subject, paragraph 1</p>	<p>(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;</p> <p>(d) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;</p> <p>(e) the recipients or categories of recipients of the personal data, if any;</p> <p>(f) where applicable, the fact that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in Article 46 or 47, or the second subparagraph of Article 49(1), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.”</p>

Opinion/ Article	“to inform”/ “be informed”
Article 15 Right of access by the data subject, paragraph 2	“2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.”
Article 17- Right to erasure (‘right to be forgotten’), paragraph 2	“[...] 2. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data. [...]”
Article 18 Right to restriction of processing, paragraph 3	“3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.”
Article 23 Restrictions, paragraph 2, letter h)	“1. Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 22 and Article 34, as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 22, when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society [...]” 2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to: [...] h) the right of data subjects to be informed about the restriction, unless that may be prejudicial to the purpose of the restriction.”
Article 34 Communication of a personal data breach to the data subject, paragraph 1	“1. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay.”

The *data subject* has the most benefit from the implementation of the GDPR. The *controller* in most cases has obligations. Instead of arguments it is enough to analyze the provisions of the Article 6: *Lawfulness of processing of the GDPR*, those of the Article 8: *Conditions applicable to child’s consent in relation to information society services* and Article 9: *Processing of special*

categories of personal data and to analyze the provisions of the *Chapter III: Rights of the data subject* in the *General data Protection Regulation (GDPR)*, in particular the *right to erasure* (“*right to be forgotten*”) or the *right to object*. Some conditions are very difficult for controllers or processors to comply with or are simply impossible to implement.

Also, given that this European Regulation is directly applicable in all Member States of the Union at the same time and taking into account that the rights of data subjects have no borders in the application of the Regulation, questions arise as to the accuracy of the communication channel in compliance with the “*communication contract*” existent between data subjects and controllers.

I analyzed if the regulation has been translated into the official languages of each Member States in order to make it easily accessible to data subjects, citizens of each State of the Union. The result was that many Member States have opted to post on the official websites of the national authorities of versions of the GDPR in official language(s), in English and sometimes in French. The purpose was to make the text easily accessible to all data subjects, European citizens, speaking these international languages.

However, the GDPR allows for national interventions in the regulation of special conditions of implementation at national level of this document. The national laws are not translated into languages of international circulation (the case of Germany or Hungary). This puts the European citizen in the situation that he does not know all the implementing rules of the regulation, applicable at national level, in a Member State. Communication as process can be, in this case, corrupted.

Another situation which can create communication problems is the translation of the GDPR into a national language. For example a concept with major implications and impact on all public administration activities and not only, one of the central concepts of the GDPR is “*data subject*”. This concept has, in English and in French (“*personne concernée*”), a positive meaning by reference to the provisions of the GDPR, implying the idea of protection, of ensuring the right to privacy of individuals.

However, the translation of this concept, from English into Romanian, takes upon a different meaning in the Romanian version of the regulation. “*Persoana vizată*” (“*targeted individual*”) is the person you are targeting, the person you are monitoring, which is why the meaning of this concept in Romanian is not predominantly positive. This meaning can establish a distance between the subject with rights and the text of the regulation, although this text has the role of protecting him.

We used questionnaires with open items as a qualitative method of research, in order to verify the quality of the information process on the existence and implementation of the *General Data Protection Regulation (GDPR)* at European level, the knowledge held by data subjects in Romania regarding the protection of their personal data, as well as the perception of Romanians regarding the concept “*data subject*”. We used the answers of 80 subjects aged between 17 and 73 years in our research. The questionnaires contained a number of common questions for both, adolescents and adults, but also different questions to mark the different status of subjects, life experience and level of knowledge. The questions for the two categories mentioned, adolescents and adults, are presented in the table below:

Nr. crt.	Questions	for adolescents	for adults
1	When I hear “persoană vizată (data subject)” I think of.....	X	X
2	Have you encountered the phrase “fundamental human rights” so far? If YES, where or in what context?	X	X
3	Can you mention some examples of fundamental human rights?	X	X
4	Can you tell what the right to privacy mean for you?	–	X
5	How important is for you the respect of the right to privacy?	–	X
6	Have you encountered the concept “personal data” by now? If YES, where or in what context?	X	X
7	In your opinion, are there similarities and/or differences between the right to privacy and the right to the protection of personal data? If you have identified such similarities and/or differences, could you mention them below?	–	X
8	How would you define “personal data”?	X	X
9	To what do you associate the concept of “personal data”?	X	X

10	Do you think that the protection of personal data is necessary? If YES, why?	X	X
11	Considering that ensuring the protection of personal data is important, what would be, from your point of view, the greatest danger in ensuring the protection of personal data?	–	X
12	Do you know international, European or national documents governing the protection of personal data? If YES please note all or part of their title.	X	X
13	Can you give some examples of situations of collection, processing, storage or archiving of personal data?	X	X
14	Have you ever had the impression that your personal data is not protected? If YES, in what context?	X	X
15	Does the Internet, the development of new technologies, the digitization present risks in ensuring the protection of personal data? If YES, why? If NO, why?x	X	X
16	Assuming that the risks ensuring the protection of personal data in the online environment are very high, you would sustain the development of new technologies or the creation of a secure framework to respect for the right to privacy? What are the reasons of your choice?	X	X
17	Do you have children? If YES, how dangerous do you think it is their activity in the online environment by using Facebook, Tik-Tok or Whatsapp accounts?	–	X
18	Do you know institutions that manage, in Romania, the protection of personal data in processing this data by public or private operators? Could you mention an institution or many of them?	X	X
19	Do you know institutions that manage, at the European Union level, the protection of personal data in processing this data by public or private operators? Could you mention an institution or many of them?	–	X
20	Assuming that you are the President of the European Commission, what message would you have for Romanian citizens on the threshold of the digital age?	X	

A. Some information needed to interpret the data existing in the adolescent questionnaires:

The home area of the students is Baia de Aramă, Mehedinți county, Romania. There is no other high school for a distance of 40 km west. The students here come from several localities, some isolated.

The information has been collected on 20 April 2023. Age of students: 17 – 18 years.

In order to collect as much data as possible in a short time, I asked to take courses at the Constantin Brâncoveanu High School in Baia de Aramă. I managed to take 4 hours of course but students from at least 5 classrooms participated. The students were from the Natural Sciences and Computer Science profile.

Because I was new for them and because the field of data protection was new the students were quite reluctant at the beginning. In order to relax the atmosphere and obtain sincere reactions from the students, I entered in the classroom alone. I also chose to give students the opportunity to sign their questionnaires or not so that they did not feel forced to answer.

I used at brainstorming at the beginning, because I wanted to have real reactions and real perceptions on the concept “*persoană vizată*”. The participation was not enthusiastic in the first 10 minutes. I sensed the fear of ridicule as the field was not known to them.

I asked the teenagers to complete the questionnaires after the first 10 minutes of the course. I stated that the only person who will read them would be me and, depending on the answers received, maybe five members of a commission. All students began reading the questions but most gave up completing them after reading the front page of questions. The conclusion was clear to me: the information part on the implementation of the *General Data Protection Regulation* had not been carried out at high school level, with one exception: a student who had attended an ERASMUS program with a module dedicated to data protection.

After one hour of discussions about data protection, I allowed students to return to the questionnaires and complete them without trying to document themselves by using the Internet. The initial request had been for the answers to be given without documenting themselves, but the fear of ridicule in the face of too many information gaps was stronger: the students initially refused the activity.

First results:

one of the answers offered for the concept “*data subject*” is flawed. The students were confused between “*an informed person/ important person*”

(“*persoană avizată*” in Romanian) and “*persoană vizată*”(“*data subject*” in English);

the answers for what “*persoană vizată*” meant for them, as provided during the brainstorming exercise at the beginning of the classroom were: “*important person*”, “*victim*”, “*villain*”;

the data completed after one hour of discussions about data protection:

- 23 questionnaires contain the student’s first and last name, the age and the signature;

- 22 questionnaires contain the student’s age, but do not contain the student’s first and last name or the signature.

The rest of the information can be read in the table below:

Nr. crt.	Questions	Teenager`s answers
	When I hear “ <i>persoană vizată</i> (data subject)” I think of.....	<p><u>Positive meanings:</u> a protected, privileged person; an expert; a person with rights; a person who knows his rights and cannot be misled in different situations; an identifiable person; a person who is identified or identifiable; persons who are targeted; a person authorized to do something; a person specialized in a certain field; a person with legal documents, an authenticated person; an important person; “myself”;</p> <p><u>Negative meanings:</u> a victim; a targeted person; a person accused for something; a supervised person; wanted, accused person; a person who can be pursued in the virtual environment; a person with a hidden identity; an assaulted person; a pursued person; a person under surveillance; a person under supervision; a person affected by a particular decision, a victim; a person affected by a particular situation or decision; a person accused or involved in a case; a person who is being pursued by a person or institution for certain purposes; a person pursued by someone who has negative purposes; a person pursued by an institution or another person; a person who is in someone’s attention; all persons are targeted;</p>
	Have you encountered the phrase “fundamental human rights” so far? If YES, where or in what context?	at school; on TV; in a report written by an NGO member; in textbooks; today; on Internet; in books; through individual study; in documents contained information about the consent of processing personal data at the bank or hospital; on radio.

Nr. crt.	Questions	Teenager's answers
	Can you mention some examples of fundamental human rights?	The right to life; the right to vote; the right to be free; the right to express an opinion; the right to be protected; the right to the protection of personal data; the right to be informed; the right to privacy; the right to study; the right to privacy; the right to work; the right to health; the right to confidentiality; the right to decide for your life;
	Have you encountered the concept "personal data" If YES, where or in what context?	online; on the internet; at school; when creating an e-mail account; in the context of opening a bank account; in applications that collect personal data; in certain documents when enrolling in exams; at college; have heard people talk about this phrase; on various social networking or shopping sites; in the terms and conditions section of a site; in an "ERASMUS +" project on the risks of digitization; when filling in some forms; for creating an account on Tik Tok; in some institutions (banks, town hall; police, post); in creating an account on Facebook, Instagram, etc .; when filling in medical records;
	How would you define "personal data"?	data that should be confidential; data that makes us unique; data with which we have access to accounts; name, surname, telephone number, location, CNP; age, e-mail, bank account, gender, biometric data, bulletin series, passport series, ID, passwords, PIN; date of birth; data that includes information about us, data that helps us to distinguish from each other; private information about the physical aspect, information that can be found in our legal documents; the information that creates your identity; data that a single person has, which define us as human beings; information about an identifiable natural person; confidential information; characteristic data; any information that leads to the identification of a person; data that aim to more easily identify a person; data that differentiate between individuals; specific data about each person, after which he can be identified;
	To what do you associate the concept of "personal data"?	information about a person; our life; the creation of accounts; the processing of personal data for certain activities; everything related to a person; personal profile; telephone number; CNP; e-mail address; name, address; citizenship; postal code; parents; biometric data; people; the online environment; private information; with the idea of protection; with the security of personal data; identity transposed into the online environment; confidentiality; with details about someone; with information that belongs only to us;

<p>Do you think that the protection of personal data is necessary? If YES, why?</p>	<p>to avoid online identity theft; in order not to give our data to persons who exploit them in a “unpleasant way”; because data protection involves the protection of the person; because personal data can be used without our consent and can lead to fraud, crime, unwanted advertising, etc; to avoid exposure to certain risks in the online environment; because it is important to protect our identity; because everyone has the right to their own space; because everyone has the right to identity, to their own image and humanity when faced with innovation; because digitalization has to deal with many dangers; because citizens need to be protected; for the safety of the individual; because a lot of data can be sold on the black market; because data can be stored in databases owned by companies or institutions being object of abuse; because we have the right to confidentiality;</p>
<p>Do you know international, European or national documents governing the protection of personal data? If YES please note all or part of their title.</p>	<p>No</p>
<p>Can you give some examples of situations of collection, processing, storage or archiving of personal data?</p>	<p>registration in an educational institution; for employment; for registration in a competition, creation of an account on social networks, for commercial purposes, for marketing purposes, in the case of online shopping, for creating an account on Google / Iphone; storage on servers; for research purposes; for recruitment; for medical purposes; collection during conversations on whatsapp, messenger, when we access various sites; on the Internet, when we accept mandatory cookies; by filling in medical records, when we leave the country; for a driving license; at the level of institutions, on Facebook; through fake social networking sites; when opening bank accounts; Instagram, Facebook, TikTok collects data.</p>
<p>Have you ever had the impression that your personal data is not protected? If YES, in what context?</p>	<p>YES, when we accept Terms and conditions on websites; when we make payments online; when we accept cookies; when we use applications on the phone; on Facebook, Tiktok; when we shop online; when we communicate our CNP to other institutions.</p>

<p>Does the Internet, the development of new technologies, the digitization present risks in ensuring the protection of personal data? If YES, why? If NO, why?x</p>	<p>YES because with the evolution of new technologies are required more and more personal information; Yes, due to the appearance of viruses; Yes, because with the development of new technologies, the skills of attackers in the cyber environment will develop too; because many sites are not secure; Yes, because it involves many risks because access to information has become very easy now, online space has become very dangerous; Internet is not safe; “Yes, because nothing can control the human mind.” “Digitization has brought risks to the protection of personal data. As the use of the Internet and digital technologies increases, personal data have become increasingly vulnerable to cyber attacks and unauthorized use.” “Yes, because there are websites that can store your data and do not provide protection and respect our privacy.” “Yes, because there can be a very high risk of destruction of human mind or risks of falsification of documents.”</p>
<p>Assuming that the risks ensuring the protection of personal data in the online environment are very high, you would sustain the development of new technologies or the creation of a secure framework to respect for the right to privacy? What are the reasons of your choice?</p>	<p>8 teenagers responded YES to the development of new technologies and the Internet 14 teenagers responded YES to create a secure framework for respect for the right to privacy 8 teenagers answered YES to find a middle ground</p> <p><u>Answers:</u> “I would agree with the use of the Internet but the laws should be changed and applied much harsher.” “Yes for the internet. It is very useful in our lives. We need a framework that ensures confidentiality.” “I would choose to protect data precisely in order to preserve human rights and to protect the privacy of every person.” “I would choose a middle ground between the two directions presented because the Internet is in a continuous development that cannot be stopped. The most effective would be to remedy the risks of surfing the internet without inhibiting its development.” “I would campaign to create a secure framework for privacy because I have often felt in danger when my personal data was recorded.” “The Internet is constantly evolving, both technologies and digitalization. This poses major risks to ensuring the protection of personal data. These domains work due to data, whether public or personal.” “Technology is very useful and needs to be further developed but needs to be developed in such a way as to be safe.” “I think we should give up technology because it has come to control us and become addicted, people are becoming more lazy.” “I believe that the Internet and technology must continue to develop but taking into account certain ethical principles. My preference is for continuous evolution despite the risks.”</p>

Assuming that you are the President of the European Commission, what message would you have for Romanian citizens on the threshold of the digital age?	<p>“Information is power and safety! Find out from reliable sources and keep up the good work!”</p> <p>“Navigate carefully on the Internet! Try to avoid unauthorized sites and protect your personal data!”</p> <p>“Let’s be careful online!”</p> <p>“Read twice before signing or accepting any request regarding the use of personal data!”</p> <p>“Use what you have on your shoulders and take care of you!”</p> <p>“Claim your rights!”</p>
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B. Some information required to interpret the data existing in the adult questionnaires:

The reluctance to complete the questionnaire increased significantly for the adult public, when compared to the situation of adolescents. If some teenagers chose to answer questions but not to sign it, many adults refused to complete the questionnaire. It was specified that access to the data will be provided only for the doctoral student and, perhaps, for members of the thesis support commission but many adults refused to answer the questions.

One possible explanation for this attitude, provided by the study of the subjects' behavior can be the fear of being ridiculous. Some subjects requested that the doctoral student *“don't judge them by their responses”, “ou should not consider that I am stupid”*. Although I insisted that *“there is no wrong answer”, “everything can be interpreted”, “no one can be considered stupid because he does not know something, everything”*, some adults opted not to complete the questionnaire.

Another reason to refuse to complete the questionnaire by some adults was, according to them, *“the field of data protection, a sensitive area”*. The lack of information on the implementation of the *General Regulation on Data Protection (GDPR)* has led to the only known field of data protection, a field that refers to secret data, sensitive data.

The main problem was the signing of the questionnaire, and the assumption of the answers. A second issue was *“the difficulty of the questions”*, which was actually associated with the lack of information on personal data protection field. Some subjects collected data from the Internet although the completion rule was *“to exclude any document consultation on the Internet”*. A third problem was the large number of questions. After the first page of the questionnaire, the subjects began to get bored.

The subjects were from the Bucharest area, but not necessarily domiciled in the capital. They were all public servants working in central public institutions. 30 valid questionnaires were obtained for this research, the results of the data collected being presented in the table below.

Nr. crt.	Questions	Adults answers
1	When I hear “persoană vizată (data subject)” I think of.....	<p><u>Positive meanings</u>: any person we speak about; GDPR; a person directly involved in a discussion or topic, student, employee, pensioner; person whose data are processed;</p> <p><u>Negative meanings</u>: a targeted person; a person analyzed, monitored, supervised for a certain reason; a person who, for various reasons, has disturbed someone and is under close monitoring; person who bothered someone; person in question, a subject of a study; a person who is directly affected by a certain problem or decision; a person pursued for a certain reason;</p>
2	Have you encountered the phrase “fundamental human rights” so far? If YES, where or in what context?	<p>“in mass-media, in documents issued by various institutions”; “every day on the news we hear about human rights, abuses and violations”; “at events organized for the protection of people, especially women”; “in court”; “in various contexts at work, at the Council of Europe, at the European Commission”; “yes, frequently but I can’t say exactly where”; “to public debates or discussions”; “in politics, in the expressions used by politicians, in specialized books, in articles, in the media”; “Yes, in the Charter of Human Rights, in the Universal Declaration of Human Rights, in the Romanian Constitution”; “Yes, in the course on GDPR”; “Yes, especially in press articles, on TV”; In the Romanian Constitution, in the European Convention on Human Rights, to the United Nations Organization”; “in the Romanian Constitution”;</p>
3	Can you mention some examples of fundamental human rights?	<p>the right to life; the right to freedom; the right to health; the right to equal opportunities; the right to work; the right to a healthy environment; the right to quality services; the right to be informed; the right to defend yourself; the right to privacy; the right to express yourself; the right to free movement; the right to equality before the law; the right to freedom of thought; the right of conscience, the right to affirm your faith; the right to education; the right do not to be subject to slavery;</p>
4	Can you tell what the right to privacy mean for you?	<p>“the rights and obligations for each of us, provided in the Constitution”; “the need to keep some aspects of my life out of the eyes of the others”; “the right to choose whether I want to provide details about my personal life, about my family”; “the right to be left alone”; “the right to have a personal life”; “the right do not be supervised when someone wants it”; “personal it”; →</p>

4	→	→ “personal privacy”; “confidentiality of correspondence”; “protection of personal data”; “the way in which a person can manifest himself freely as he wishes, provided that he does not violate the rights of others”; “the right to keep hidden from the rest of the world his problems, desires, personal plans and information”; “the right to have an intimate, personal or family life”; “the right not to interfere in the private life of someone”; “the right to intimacy and to protection of personal data”; “freedom of thought”; “the right do not disclose in public personal matters”;
5	How important is for you the respect of the right to privacy?	“without privacy we would become programmed robots”; “fundamental”; “very important”; “very”; “essential for any individual”; “extremely important”; “it is the quintessence of democracy”; “it is a FUNDAMENTAL right”;
6	Have you encountered the concept “personal data” by now? If YES, where or in what context?	“at work”; “in public and private institutions”; “in legislation”; “when I complete my data in applications or on websites”; “whenever a report is postponed”; “at the bank”; “in the case of personal data processed by operators”; “in data protection legislation”; “in the communication and data transfer or talking about information security”; “in the General Data Protection Regulation”; “in European and Romanian legislation”; “when I create a site, when I shop things online”; “when I sign contracts or commitments”; “Yes, in contracts, applications”; “Yes, day by day, through the activity I carry out”; “in a professional context working with personal data daily”;
7	In your opinion, are there similarities and/or differences between the right to privacy and the right to the protection of personal data? If you have identified such similarities and/or differences, could you mention them below	<p>“Yes, there is a strong resemblance. I want my private life out of the eyes of the other people because some people can be ready to take advantage of me.”</p> <p>“They have nothing in common. Data protection is required while no company will ask you for personal details. Personal data are related to information known to all companies.”</p> <p>“Yes, these are rights.”</p> <p>“Yes, they are complementary. The right to life includes the right to privacy and the protection of personal data”</p> <p>“Yes, they seem to be very similar. I can’t make appreciable deferences.”</p> <p>“Similarities: protection of personal information, respect for privacy. Differences: legal field, specific regulations.”</p> <p>“The similarities are that both rights refer to privacy, personal life, individual issues. Differences: personal data are records of privacy items.” →</p>

Nr. crt.	Questions	Adults answers
7	→	<p>→ “Yes. The right to privacy is a right to intimacy. The right to protection of personal data is the right to control the access to your personal data: CNP, telephone, name”</p> <p>“Yes, the right to respect the private and family life, the information about my domicile and correspondence as well as the access to my health condition.”; “I think they are synonymous”</p> <p>“The respect for fundamental rights is not related to a person’s identification data.”</p> <p>“Yes. My personal data discloses aspects related to my private life: CNP, bank account, etc”</p>
8	How would you define “personal data”?	<p>“private data and information of each person”; “address, telephone number”; “my identity”; “name, surname, address, date of birth”; “essential data”; “data concerning personal, civil status”; “national identification number, date of birth, place of birth, truly personal data which no one knows in detail”; “identification information, medical information, professional information”; “records of personal items”; “data strictly related to a particular person, birth dates, address, health data”; “data by which a person can be identified”; “information about an individual, information through which an individual can be identified”;</p>
9	To what do you associate the concept of “personal data”?	<p>“with an encrypted environment, with a secure box”; “Identification data”</p> <p>“with a small room, personal, that we have to take care to whom we allow to enter in or to whom we reveal the existence;”</p> <p>“with a business card of each person”; “with the right to life”; “with personal, extensive data related to our person” “with intimate data”</p> <p>“with the protection of privacy and privacy”; “with the assurance and protection of an individual’s personal data in all his social interaction”</p> <p>“with strictly personal data: birth data, address, medical data”</p> <p>“with the concept of privacy”; “with information, contact details of a person”; “with identity protection”</p>
10	Do you think that the protection of personal data is necessary? If YES, why?	<p>“Yes, for the defense of the right to privacy”; “Yes, because there are people or organizations ready to take advantage of our personal data”; “Yes because no one wants his data to be known by anyone”; “Yes, to ensure a certain confidentiality, privacy of personal data”; “I am convinced of that, because under normal conditions we only agree to share privacy with close people”; “Yes, it is necessary due to respect for privacy →</p>

10	→	→ and the prevention of identity theft”; “Certainly YES, because it is individual information and its sharing should be possible only with the consent of the person concerned”; “Yes, so that someone else does not abuse or benefit of our personal data”; “Yes, it is necessary. Personal data must not be used by anyone, anyway”; “Yes because personal data can be used to commit crimes”; “Yes, I believe that personal data should only be accessed with the consent of the data subject”; “Yes, so as not to easily identify or use a person’s identity”;
11	Considering that ensuring the protection of personal data is important, what would be, from your point of view, the greatest danger in ensuring the protection of personal data?	“data theft via Internet”; “the greatest danger is the people specialized in breaking databases in the online environment”; “spam, fishing fraud”; “to steal from others”; “the risk of theft, their illegal use”; “not to appear on the internet”; “the greatest danger would be the systems and infrastructure used for the collection and processing of personal data, they may have vulnerabilities”; “certain security breaches could lead to the leakage of information that could subsequently be used for criminal acts”; “identity theft”; “access of other persons to our personal data”; “personal databases can be “broken” quite easily”; “digital databases are vulnerable”; “if the personal data are protected I do not see any danger”; “any individual can acquire the identity of another person through different channels, means, purposes”; “the danger that once stored they can go public and thus the right to privacy can be altered”;
12	Do you know international, European or national documents governing the protection of personal data? If YES please note all or part of their title.	“Charter of Human Rights”; “I do not know the title but I know that there are such documents”; “European Convention on Human Rights”; “I am convinced that it exists but I do not know the titles clearly”; “General Data Protection Regulation (GDPR), “Data Protection Directive”, “Law 190/2018”; “Law 102/2005”; “Regulation (EU) 2016/679”; “General Data Protection Regulation”; “An EU Regulation from 2016, I don’t remember the name”;
13	Can you give some examples of situations of collection, processing, storage or archiving of personal data?	“population census”; “operations carried out during voting campaigns”; “public institutions process personal data”,”banks, various service companies (telephony, electricity, gas, etc.) with which you conclude a contract containing personal data”; “in the case of online orders, for open bank accounts”; “to generate an electronic signature, for generate an identity card, a passport”; “for mobile operators, on theInternet, for electricity, registration in online systems, to pay online orders”; “in case of employment contracts, registration at various events”; “to the doctor, to work, to the school, to the bank, for various contracts, for opening bank accounts”; →

Nr. crt.	Questions	Adults answers
13	→ Can you give some examples of situations of collection, processing, storage or archiving of personal data?	→ “when shopping online”; “for a subscription to the phone, cable TV, etc.”; “in telephony, insurance, banks”; “for database creation”;
14	Have you ever had the impression that your personal data is not protected? If YES, in what context?	“yes, when I register with my eemail address on a site after which I receive another 100 million with publicity”; “I did not have this impression”; “Yes, at the bank”; “Yes, when I filled in questionnaires that were not anonymous”; “Yes, in the case of telephone operators. There are a lot of commercial agencies that have information about me, information I never offer to them”; “Yes, some companies collect personal data and share it with other companies without the users consent”; “Yes, from various social platforms as well as in mobile applications”; “Yes, at work”; “Yes, in the case of mobile phones, e-mails”; “I haven’t thought about it yet”; “Yes, by targeting certain [on social media platforms]”; “Yes, at work when I am asked for a copy of my identity card, although that copy already existed in the Human Resources file”;
15	Does the Internet, the development of new technologies, the digitization present risks in ensuring the protection of personal data? If YES, why? If NO, why?	“Yes, the rapid evolution of technology”; “The biggest risk is the internet, because through it you can access a database from any corner of the world or by anyone legally or not”; “not, because today’s technology provides algorithms that help protect data against hackers”; “Yes, because there is a risk of theft, of illegal use of data”; “Yes because in general the profit justifies the disclosure of data to other economic operators”; “Yes, due to the large volume of data, data transfer and storage, data collection on social networks”; “Certainly YES due to security risks”; “Yes, because the infrastructure is not sufficiently developed”; “Yes, because the data can be accessed by malicious users”; “Yes, there are always ways to steal personal databases. They can be marketed later”; “Yes, because personal data [collected] can be easily accessed”; “Yes, because there are more and more interests and methods of “breaking” databases easily”; “Yes, any digital database can be “broken” by a hacker, if he has an interest in doing so”;

16	Assuming that the risks ensuring the protection of personal data in the online environment are very high, you would sustain the development of new technologies or the creation of a secure framework to respect for the right to privacy? What are the reasons of your choice?	<p>“The evolution of technology cannot be slowed down”; “continuously data security is essential”; “I would opt for the development of the internet”; “Yes by assuring the security of the information by access levels”; “Yes, the risks are great but I am convinced that there are solutions too”; “The development of new technologies and the Internet brings benefits in all areas of activities”; “Yes for the development of new technologies and the Internet for the simple reason that the development is closely correlated with the progress of technology”; “Yes for the internet because I use it”; “the best solution is to develop a secure framework for respecting the right to life, a framework to be implemented in new technologies field”; “Yes for data protection. Everyone has the right to be protected”; “the development of new technologies is related to the development of science, the right to privacy is related to certain rights”; “I believe that when you provide critical personal data you take the risk that it may be discovered if you do not request their express deletion. The technology and the Internet must develop and, in fact, everyone is responsible for the data they provide”; “Yes for creating a rigorous framework to respect the right to life because I believe that this right is very important.”</p>
17	Do you have children? If YES, how dangerous do you think it is their activity in the online environment by using Facebook, Tik-Tok or Whatsapp accounts?	<p>“It presents risks”; “Yes, I have, and their exposure in these environments is very dangerous because there are criminals, pedophiles”; “Very dangerous”; “Yes, very dangerous for identity theft and fraude”; “I have no children but I am convinced that young people are vulnerable to various applications and must be protected”; “That presents significant risks and data protection is very important”; “I have children and I consider their exposure in the online environment to be particularly dangerous”; “I have children and I consider their exposure in the online environment very dangerous because their identity can be stolen”; “Quite dangerous to very dangerous. Children are especially vulnerable in the online environment”; “Yes, I have children. Exposing them to the online environment is very dangerous”; “Yes. Creating accounts for them is dangerous because [online platforms] do not have the ability to manage the content it displays to a child. The account can only be created for people over 13 years of age. In reality, there are even smaller children behind these accounts.”; “I do not have minor children but I consider their exposure in the online environment very dangerous”;</p>

18	Do you know institutions that manage, in Romania, the protection of personal data in processing this data by public or private operators? Could you mention an institution or many of them?	STS, The Agency for Digitization, SRI, The Directorate for Computer Creating an Identity Card; "I only know CNCDS that I'm sure don't protect us in any way!"; The Ministry of Environment, Waters and Forests; "Yes, the public institutions, the ministries, the town halls or the medical offices"; The National Authority for the Supervision of Personal Data Processing (ANSPDCP); NOTE: Most respondents are confused when they speak about Operators or the RGD implementation management and control institution (the national authority).
19	Do you know institutions that manage, at the European Union level, the protection of personal data in processing this data by public or private operators? Could you mention an institution or many of them?	European Data Protection Board; "OECD but I am not convinced of their effectiveness"; European Commission; Court of Justice of the European Union; "there is an institution at European level but I do not know its name"; European Data Protection Supervisor; Council of Europe; European Commission through the European Committee / European Data Protection Supervisor; ECHR;

III. Lack of information on data subjects? Lack of adequate training of data protection officers? Infrastructure unsuitable for optimal implementation of GDPR? The confirmation of the direction of evolution in the implementation of GDPR can also come from the press....

Let us have a look at the Romanian press:

release date	title of the article	Link
June 7, 2023, 06:45	<i>"The UK will host the world's first artificial intelligence summit"</i>	https://www.hotnews.ro/stiri-international-26319140-marea-britanie-gazdui-primul-summit-mondial-dedicat-inteligentei-artificiale.htm
June 7, 2023, 13:12	<i>"Bitdefender says it has identified a global cyber threat campaign targeting mobile devices. What were the targets"</i> NOTE: The mobile devices have been used by students in online education!	https://economie.hotnews.ro/stiri-it-26317442-bitdefender-spune-identificat-campanie-globala-amenintari-informaticice-care-vizeaza-dispozitivele-mobile-care-erau-tintele.htm

release date	title of the article	Link
June 5, 2023, 14:51	<i>“The [Romanian] Ministry of Finance admits that it has frequent data loss incidents: What IT acquisition does to solve problems”</i>	https://economie.hotnews.ro/stiri-telecom-26315159-ministerul-finantelor-admite-are-incidente-frecvente-pierdere-datelor-achizitie-face-pentru-rezolva-problemele.htm
June 5, 2023, 19:00	<i>“European Commission calls on online platforms to identify content generated by artificial intelligence”</i>	https://www.hotnews.ro/stiri-esential-26313478-comisia-europeana-cere-platformelor-online-identifice-continutul-generat-inteligenta-artificiala.htm
May 31, 2023, 7:26	<i>“Artificial intelligence “godfathers” warns that there is “a risk of extinction” of mankind due to AI”</i>	https://economie.hotnews.ro/stiri-it-26301941-nasii-inteligentei-artificiale-avertizeaza-exista-riscul-disparitie-omenirii-din-cauza.htm
29 May 2023, 13:56	<i>“France threatens Elon Musk with a Twitter ban in the EU”</i>	https://economie.hotnews.ro/stiri-companii-26297597-franta-ameninta-elon-musk-interzicerea-twitter.htm
26 May 2023, 10:55	<i>“Elon Musk’s Neuralink Company has been approved to test brain implants on humans”</i>	https://science.hotnews.ro/stiri-creierul-26291230-compania-neuralink-lui-elon-musk-primit-aprobarea-testeze-implanturi-cerebrale-oameni.htm
26 May 2023	<i>“TikTok is testing an AI chatbot that will be integrated on its platform”</i>	https://mediastandard.ro/tiktok-testeaza-un-chatbot-ai-ce-va-fi-integrat-pe-platforma-sa/
25 May 2023, 08:32	<i>“As if he were wearing a camouflage coat and had a sniper rifle”. Chinese hackers infiltrated the US essential infrastructure / What is known about Volt Typhoon”</i>	https://www.hotnews.ro/stiri-international-26288450-cum-purta-haina-camufraj-avea-pusca-luneta-hackerii-chinezi-infiltrat-discret-infrastructura-esentiala-sua-stie-despre-volt-typhoon.htm
25 May 2023, 06:40	<i>“Former head of Google: Artificial intelligence is an existential risk to people, to be injured or killed”</i>	https://www.hotnews.ro/stiri-international-26288334-fost-sef-google-inteligenta-artificiala-este-risc-existential-pentru-oameni-raniti-sau-ucisi.htm
23 May 2023	<i>“With artificial intelligence, reading thoughts becomes possible. Privacy is violated”</i>	https://editiadedimineata.ro/cu-inteligenta-artificiala-citirea-gandurilor-devine-possibila-se-incalca-intimitatea/amp/

release date	title of the article	Link
22 May 2023 09:52	<i>“GDPR 2023: Meta (Facebook), fine-record in the European Union, for data transfer in the USA (media sources)”</i>	https://economie.hotnews.ro/stiri-it-26281755-gdpr-2023-meta-facebook-amenda-record-uniunea-europeana-pentru-transfer-date-sua.htm
21 July 2022	<i>“The largest data leak in the Romanian medical system: a state institution accidentally discloses the diseases of over 130,000 patients”</i>	https://recorder.ro/cea-mai-mare-scurgere-de-date-din-sistemul-medical-romanesc-o-institutie-a-statului-divulga-din-greseala-bolile-a-pestre-130-000-de-pacienti/
19 May 2023, 07:15	<i>“Google will gradually give up cookies from 2024”</i>	https://www.hotnews.ro/stiri-international-26276184-google-renunta-treptat-cookie-uri-incepand-din-2024.htm
18 May 2023, 12:33	<i>“Artificial intelligence systems have become “unhealthy” and can become a danger to democracy, warns another top in the field”</i>	https://economie.hotnews.ro/stiri-it-26274627-sistemele-inteligenta-artificiale-devenit-nesanatoase-pot-deveni-pericol-adresa-democratiei-avertizeaza-inca-somitata-din-domeniu.htm
18 May 2023, 07:04	<i>“Montana becomes the first American state to ban TikTok”</i>	https://economie.hotnews.ro/stiri-companii-26273772-montana-devine-primul-stat-american-care-interzice-tiktok.htm
24 March 2023, 10:15	<i>“An American state introduces parental consent for the use of social networks by children”</i>	https://www.hotnews.ro/stiri-international-26160143-stat-american-introduce-consimtamentul-parental-pentru-folosirea-retelelor-socializare-catre-copii.htm
26 January 2023, 08:05	<i>“A hacker seized the personal data of all Austrians and put them up for sale”</i>	https://www.hotnews.ro/stiri-international-26044038-hacker-pus-mana-datele-personale-ale-tutor-austriecilor-scos-vanzare.htm
2 December 2022, 12:07	<i>“Viktor Orban’s party, accused of using the data sent by citizens for the COVID vaccination campaign”</i>	https://www.hotnews.ro/stiri-international-25938422-partidul-lui-viktor-orban-acuzat-folosit-campania-electorala-datele-trimise-cetateni-pentru-vaccinarea-anti-covid.htm
6 September 2022	<i>“Instagram Received A Fine-Record. 405 Million Euros For Inadequate Management of Children’s Accounts”</i>	https://legalup.ro/instagram-amenda-record/

Press articles dating back only from September 2022 and from 2023 are related to the topic of this research. There are many more articles interesting about how GDPR implementation could be affected in the future, but we chose only a few titles relevant for the direction of development of new technologies, and actions with high impact on data protection field. The above titles indicate the fact that the development of new technologies comes with risks to the protection of personal data. However, they are also an indicator of the lack of training in the implementation of GDPR for Romanian operators and for the lack of adequate infrastructure for an optimal implementation of GDPR. There are gaps in the seriousness of the approach to the implementation of GDPR in the European Union: France is very involved and responsible, Romania less.

In the face of the challenge posed by artificial intelligence, experts are beginning to issue clear warnings to states and governments. The current infrastructure represents a risk in the face of the pace of development of new technologies. Children are highly exposed in the online environment, but not all Member States have really begun to take steps to protect them. Romania has not made and does not make enough efforts to ensure the protection of children in the face of the challenges posed by the development of new technologies.

Are the phrases above conclusions? Statements without scientific support? Currently there are only open doors to hypotheses waiting to be verified. Will the future increase the gap between the regulation and application of the *General Data Protection Regulation (GDPR)* or will the governments of the Member States of the Union find quick solutions to open the digital age without risks?

The answer, if I dare to look for an answer, can be found in Charaudeau P., "*Une analyse sémiolinguistique du discours*": "*The transformation process and the transaction process are carried out according to different procedures, but are solidary in relation to the principle of relevance that requires a common knowledge, built even on the basis of the transformation process. We can even say that this solidarity is hierarchical. Indeed, identification, qualification operations, etc. of the transformation process are not done anyway or freely. They are achieved in a context of supervised freedom under the control of the transaction process following its directives: it gives them a communicative orientation, it gives them meaning.*" (Charaudeau 1995: 100)

The problem, if I insist on finding one, is that Patrick Charaudeau was talking about the double process of semiotizing the world ("*le double processus de sémiotisation du monde*") and I was looking for a visionary response to the problems facing the world in the face of risks on respect for the human rights and fundamental freedoms at the beginning of the digital age.

Conclusion

*“Migration, new communication technologies, continuous cultural exchanges have led to the establishment of a diversity of ways of life in the same society.”*¹⁴ The establishment of the European Union, a multicultural society, has led to the continuous search for a *modus vivendi*¹⁵, the coexistence of different ways of life, profitable for all European citizens, *subjects of communication, senders and receivers, data subjects, identities.*

National languages mark our identity, our culture defines us as individualities, our discourse betrays our openness to the others but also the assertion of our own *Me*¹⁶, our manifestation in a space of unity and diversity forms us as personalities. The European Union was created by respecting principles and values such as freedom, democracy, equality and the rule of law, promoting peace and stability.

However, we must consider the old contradiction between freedom and security. *“Given how unpleasant freedom without security is, just as security without freedom is unpleasant, it seems that we will never stop dreaming about the community, but we will never find the pleasures enjoyed in dreams in any self-proclaimed community.”*¹⁷ However, *“intermediaries that keep democracy alive are national governments. [...] We cannot build Europe against governments.”*, Jacques Delors said in October 2010¹⁸. Here we can speak

¹⁴ *“The existence of several ways of life in which people can thrive and even be happy induces the idea that, despite the fact that these kinds of life can be competing, none of them is the best. Modus vivendi, or the coexistence of different ways of life, is based on the idea of the existence of several profitable ways of life for people, precisely because none of them is the best for everyone. Modus vivendi does not mean seeking the ideal regime, but achieving reasonable compromise by institutionally reconciling different ways of life. It is a compromise based on the historical reality of social pluralism and on the ethical, anti-universal and anti-fundamentalist reality of the pluralism of values.”* Carpinschi, A. Toleration as modus vivendi. In Walzer, M. 2002. *Despre tolerare*. București: Institutul European, III–IV.

¹⁵ See note 14.

¹⁶ *“Si on retient que parler, c’est participer à une mise en scène du langage ouverte, jamais totalement close, jamais terminée; que parler est une lutte permanente pour conquérir le droit à sa propre existence; que parler, c’est, qu’on le veuille ou non, vouloir influencer l’autre, alors, on comprend que parler soit à la fois c’est témoigner de son identité et construire l’identité de l’autre, de même qu’écouter l’autre, c’est tenter de découvrir derrière son discours le paysage de sa culture.”* (Charaudeau 2001: 348).

¹⁷ Bauman, Z. “Comunitatea. Căutarea siguranței într-o lume nesigură”, Editura Antet, f.a., 6, cited in Carpinschi, A. Toleration as modus vivendi. In Walzer, M. 2002. *Despre tolerare*. București: Institutul European, XIV.

¹⁸ Jacques Delors: “Europa are nevoie de un suflet”. *Actualitate Parlamentul European*, 8 October 2010. Available at: <https://www.europarl.europa.eu/news/ro/headlines/eu-affairs/20101006STO85428/jacques-delors-europa-are-nevoie-de-un-suflet> (accessed 6 June 2023).

about the manifestation of national identity at the level of regulation and implementation of normative acts approved at European level.

Returning to the application of the *General Data Protection Regulation*, a recognition of the gaps between states at the level of the infrastructure that enable data security and protection of data subjects against possible risks caused by the rapid development of new technologies would perhaps reduce technical mimetism in transposing European documents into national law. Thus it might reduce the gap between regulation and application of European legislation at national level.

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