



Max Planck Institute  
for Innovation and Competition

# Blockchains and the GDPR

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# Structure of my Talk

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## Blockchains and the GDPR

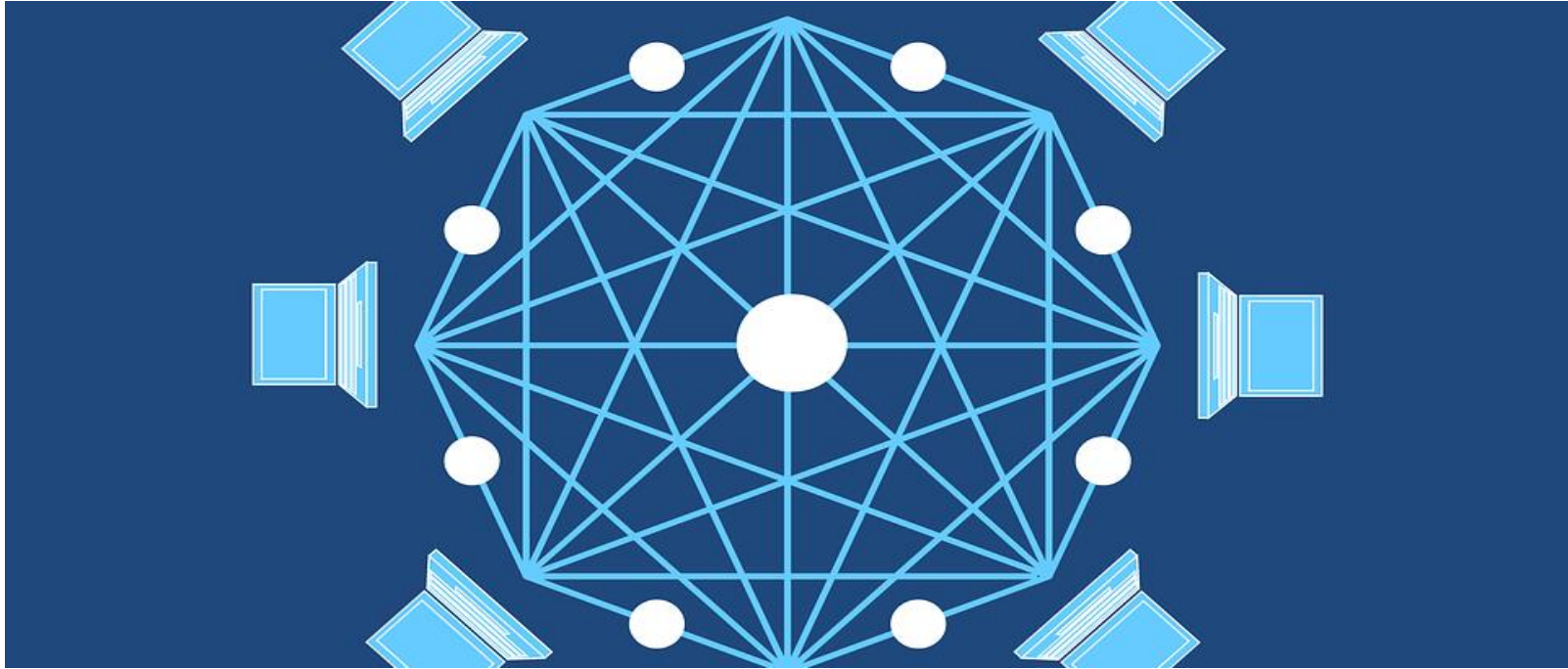
- Brief Introduction to the GDPR and Blockchains
- Two paradigms of data management
- Who is the controller?
- Data Subject Rights
- Concluding thoughts



# Blockchain Technology

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## Blockchains and the GDPR



# The GDPR

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## Blockchains and the GDPR

- EU General Data Protection Regulation
- Became binding on 25.05.2018
- Dual objective (i) fundamental rights protection; (ii) facilitate the free movement of PD across the EU
- Territorial scope
- Material scope
- Personal scope



# Tension between the GDPR and BC

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## Blockchains and the GDPR

- GDPR has in mind is the centralized collection, storage and processing of personal data
- Blockchains decentralize all these processes
- GDPR is based on the idea that data can be modified and deleted
- These actions are close to impossible in BC systems



# Tension: Data Minimisation

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## Blockchains and the GDPR

- Only data absolutely necessary for the specific purpose must be collected
- Data must be deleted where no longer necessary

→ Presumption of temporary processing



# Personal Data on Blockchains

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## Blockchains and the GDPR

- PD = data that related to an identified or identifiable person
- Pseudonymous data is personal data
- Blockchain data: plain text, encrypted data, hashed data (A29WP 2014)
- Public keys and transactional data most likely qualify as personal data => GDPR applies.



# The Data Controller(s)

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## Blockchains and the GDPR

Data controller: ‘the natural or legal person, public authority, agency or other body, which alone or jointly with others, **determines the purposes and means of the processing of personal data**’





# Data Subject Rights

## Blockchains and the GDPR

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- The right of access
- The right to rectification
- The right to erasure
- The right to restriction of processing
- The prohibition of solely automated processing



# Concluding Thoughts

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## Blockchains and the GDPR

- Stable law and evolving technology
- Technologically neutral law (?)
- How can law keep up?



# Thanks!

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