



# Personal data protection and Land Registration

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**tt. g) GDPR**  
**cedure - totally public**  
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Is it arduous to define a personal data according to art. 4 - 6 - 9 GDPR?

or

the real point is the **evaluation** of what is to be considered “**necessary for reasons of public interest**” + **proportionate to the aim pursued**



Trentino's Land Registry is totally public → the **balancing point** involves the proportionality principle and the reasons that justify a data processing in accordance with a task carried out in the public interest on the basis of Union or MS law.



# European overview



The European Land Registry Network (ELRN) was created in 2010 to facilitate a friendly access to land registry services at European level.



## Members

### ● Members

Austria	Hungary	Romania
Belgium	Ireland	Slovak Republic
Bulgaria	Italy	Spain
Croatia	Latvia	Sweden
Cyprus	Lithuania	The Netherlands
Estonia	Luxembourg	
Finland	Malta	
France	Poland	
Greece	Portugal	

### ● Observers Members

Bosnia and Herzegovina	Estonia	Turkey
	Slovenia	Ukraine

### ● Partners

CENoR  
Università di Trento - Facoltà di Giurisprudenza

## Publicity principle

systems more open / systems more restrictive

A) Austria, Bulgaria, Portugal, Romania - totally public

A) Croatia - Estonia - Poland - Spain - Lithuania - only judicial authorities are allowed to display LR information, or only Notaries or only if the request is justified by a legitimate interest

Claude Sapiano's questionnaire - ELRN workshop 2022 Malaga





# International overview



## Open data

- information is available for everyone to access, use and share
- published by governments on freely accessible portals
- information about local areas, or statistics on topics such as the economy, health and the environment
- Structured, machine-readable and well-maintained
- Usually accompanied by an open license
- Easier to understand, access and consume



## Public data

- any data that is in the public domain
- broader category, encompassing various formats and sizes, including raw data
- open data is a subset of public data
- documents can only be accessed with a freedom of information request
- data not in machine readable format



## European Directive 2019/1024 article 2 - definition of OPEN DATA:

“ ... (13) ‘machine-readable format’ means a file format structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure;

(14) ‘open format’ means a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents



## High-value datasets

- European Directive 2019/2014 - art. 13 and followings
- listed in Annex I

### 1. Geospatial

### 2. Earth observation and environment

### 3. Meteorological

### 4. Statistics

### 5. Companies and company ownership

### 6. Mobility.

land registry data might  
be intended in terms of  
high-value datasets  
and, consequently,  
governed by Directive  
2019/1024



## Personal data and AI

- the processing of personal data implies specific precautionary measures when using AI technologies
- AI Act Regulation n. 2024/1689 - artt. 10 and 59
- strict link between data training and testing processes and the GDPR rules



## Personal data - open data - high value datasets - AI INTERCONNECTION



variegated, complex and fast-changing landscape



combine the transparency, publicity, open data, reuse principles with the personal data protection principle

# CASE STUDIES

- 1. sexual transition - court decision
- 1. who asked for LR documents or excerpt referred to my property?
- 1. the Dutch case

**HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?**




## CASE STUDIES

### 1. sexual transition - court decision

- a) particular categories of personal data (art. 9 of the GDPR)
- a) displayed only the Court decision number and the final judgement that describes the registry office information of the applicant
- a) ! historical excerpt !

**HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?**

## CASE STUDIES

- 
1. who asked for LR documents or excerpt referred to my property?
    - a) rejected all these requests
    - a) requests not justified by a legitimate interest
    - a) ! should access to access logs be granted, and if so, under what conditions? !

**HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?**





## CASE STUDIES

### 1. the Dutch case

- a) restriction for the functionality 'search by name' by categorising users into 4 categories
- a) explicit warning by the Dutch Cadaster
- a) the Court upheld the appeal - a full search by name has been reintroduced
- a) ! the topic of limitations of the function "search by name" is more relevant than ever !

**HOW WOULD YOU HANDLE SITUATIONS LIKE THESE?**



## CONCLUSION

general trend towards an increased awareness  
of what personal data rights are



increased  
responsibility for  
Land Registrars



QUALITY OF DATA







## Data quality in Land Registration

- Accuracy in procedures
- Sufficient time to make well-founded decisions
- ongoing training and professional development to maintain and enhance our expertise



# THANK YOU FOR YOUR ATTENTION

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SERVIZIO  
**LIBRO FONDARIO  
E CATASTO**



**TRENTINO**

PROVINCIA AUTONOMA DI TRENTO