







# Personal data protection and Land Registration

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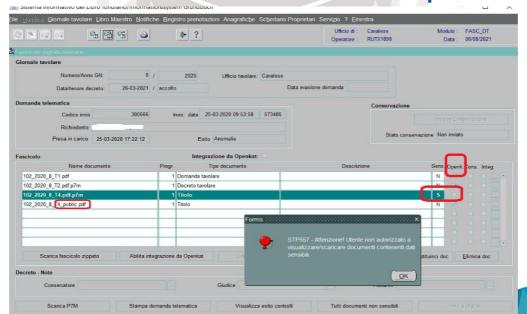
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# Trentino's Land Registry - processing of personal data

- > art. 4 6 9 lett. g) GDPR
- > fully digital procedure totally public
- > redacted LR documents (536 acts in 2024)
- > Land Registrar as "authorised for the processing"





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  $\rightarrow$  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 Bulgaria Italy Republic Croatia Latvia Spain Lithuania Sweden Cyprus Estonia Luxembourg The Finland Malta Netherlands

France Poland Greece Portugal

### Observers Members

Bosnia and Estonia Turkey
Herzegovina 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







# 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:

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









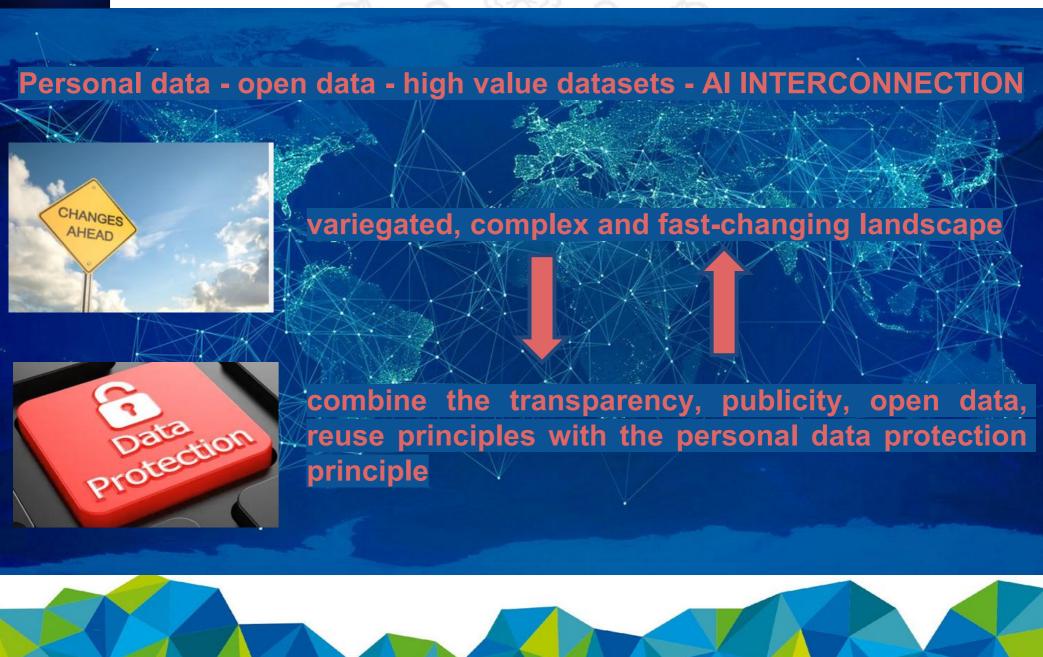


### Personal data and Al

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









# CASE STUDIES

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



### **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) I historical excerpt



### **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?



### **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 !





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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PROVINCIA AUTONOMA DI TRENTO