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**Legal Protection of Personal Data Relating to Personality, in
Particular Certain Aspects of Post-mortem Privacy**

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Research topic reasoning and project definition

Data privacy is an interesting and exciting research topic: the technical development caused economical and social changes which made it essential to modify and develop the legal regulation.¹ The quick development expects constant adaptation from society, whose organization and systems of operation are constantly changing.² The technological change can be observed in many areas: spread of the internet, cloud computing, daily use of social media, big data, new services – which modify the legal regulation, in particular the privacy regulation as well. Owing to the digital revolution life situations have developed that need to be properly regulated. The social media brought new legal questions and placed existing problems in a new context.³ Although the regulation is trying to keep pace with the quick technical development, it is not successful: the law is more static and less dynamic science compared to technology.⁴

In the age of big data, previously unimaginable levels of data production have created new social phenomenons and may induce even more serious changes in the future. With the everyday use of internet a huge amount of data is generated at every moment.⁵ The phenomenon is obviously interesting not only because of computer or data storage problems (although these are undoubtedly important aspects as well!), but also because of its social effects. This huge amount of data not only requires a different kind of storage, handling and analysis, and can be used in different, completely new ways than data generated in the offline world, but the phenomenon obviously has social consequences.⁶ As a result, previously unknown problems have arisen, such as how users have become fully transparent to data-dominant businesses, or how to deal with the amount of personal data about an individual, either generated by him or her online activity, after the individual's death.

¹ Szőke Gergely László: Az európai adatvédelmi jog megújítása, tendenciák és lehetőségek az önszabályozás területén, HVGOrac Lap- és Könyvkiadó, Budapest, 2015, 11. o.

² Boóc Ádám: Robotautókkal, közösségi taxikkal és kereskedelmi drónokkal kapcsolatos felelősségi kérdések, IN: Tóth András (szerk.): Technológiai jog – Új globális technológiák jogi kihívásai, Patrocinium kiadó, Budapest, 2016., 214. o.

³ Tóth András – Klein Tamás (szerk.): Bevezetés az infokommunikációs jogba, Patrocinium Kiadó, Budapest, 2016., 97. o.

⁴ Cseh Gergely: A közösségi portálok árnyoldalai (Infokommunikáció és Jog, 2013/2., 90-95. o.), 90. o.

⁵ Zödi Zsolt: Jog és jogtudomány a Big Data korában (Állam- és Jogtudomány, 2017/1., 95-114. o.), 96-97. o.

⁶ Zödi Zsolt (2017) i.m. 96-97. o.

Another important and new question is that technological change has blurred the boundaries between the public and the private sector, raised new dogmatic and liability issues, and made new types of infringements possible.

The use of social media has created personality profiles of people, which have made it necessary to extend the boundaries of personal protection and to reinterpret not only the individual's privacy but also the law⁷, although there is no doubt that the subject of legal protection remains the internal essential content of the personality, of which only a slice appearing in the outside world is the personality profile.⁸

The question is how to evaluate personality profiles created in cyberspace in comparison with the legal protection possibilities of the law of personality⁹, how to invoke the protection of privacy when an individual specifically makes the details of his/her life available to the public.

It is questionable how to deal with the personality profile left in the virtual space after the death of its owner. It is also an undeniable fact that technological changes have also changed the nature and extent of violations, making individual rights easier and faster to violate than ever before.¹⁰ Because of these changes, the protection of personal rights is becoming more and more important nowadays, human dignity and honor are legally enhanced, and with the development, diversity and spread of communication tools, violations of personalities have changed.¹¹

Big data production, blurring the boundaries of privacy and publicity, and the new types of violations all encourage the legal system, to respond and provide solutions to emerging problems. The speed of innovation must be accompanied by a constant change in the legal system, as the legislation designed to settle the life situations of the “analogue” world needs to be amended when applying the previous provisions within the possibilities of the digital space.¹²

⁷ Polefkó Patrik: Barátok és bizonytalanságok közt, avagy a közösségi oldalakról adatvédelmi szemszögből /1. rész/ (Infokommunikáció és Jog, 2010/38., 110-112. o.)

⁸ Bakos-Kovács Kitti Magánélet a hálózat csapdájában – a „személyiségprofilok” jogi értékelése, 102-118. o. IN Görög Márta – Menyhárd Attila – Koltay András (szerk.): A személyiség és védelme, Budapest, 2017, 116.o.

⁹ Bakos-Kovács Kitti (2017) i.m. 102. o.

¹⁰ Barzó Tímea – Halász Csenge: Elmosódott magánélet? A privátszféra érvényesülése és határai az online közösségi térben, 34.o. https://www.mjsz.uni-miskolc.hu/files/10856/5_barzohalasz_t%C3%B6rdelt.pdf (downloaded: 2020. szeptember 28.)

¹¹ Kecskés László : Polgári jog, A személyek joga, Dialóg Campus Kiadó, Budapest-Pécs, 2007., 417. o.

¹² Boóc Ádám: Az online szerződéskötés magánjogi problémái, Budapest Károli Gáspár Református Egyetem Állam- és Jogtudományi Kar, IN: Homicskó Árpád Olivér (szerk.): Egyes modern technológiák etikai, jogi és szabályozási kihívásai, Patrocinium Kiadó, Budapest, 2018., 37. o.

Research methodology

The dissertation primarily provides an analysis of the topic through a comprehensive review of the Hungarian and foreign literature, as well as international legislation.

Using the method of historical analysis, I present in chronological order the major regulatory steps implementing the constitutional and civil protection of personality and the protection of personal data.

As a key method, I use document analysis to review the relevant literature of authors who have written several publications on the given topic, and to study the legislation which may be considered relevant.

Structure of the dissertation

The dissertation consists of two major chapters: the first chapter presents in detail the protection of personality, the legal regulation of data protection, and the second chapter deals with the issue of personal rights protection after death and the digital legacy. Regulations on the subject of various legal systems are also presented, and I also raise the need for EU legislation with direct effect.

In the first chapter, I focused on the exploration of the basic concepts essential for the definition of the chosen topic, such as the content of personality and privacy, presenting different views related to the definition. The development of the current Hungarian legal regulation of personal data and privacy protection is also detailed in the first chapter, with a brief overview of the content of the international legal documents that had created the basis of data protection.

In the second chapter, discussing post-mortem personal protection, I try to explore whether we can talk about personal survival in the general or specific privacy rules. I compare the data protection authority guidelines with the Data Protection Act which entered in force later. I examine the issue of digital legacy and the tendencies in the international legal literature regarding the processing of deceased persons's data, and I also present the current regulations of some European countries in order to reveal possible insufficiencies of the Hungarian regulations. I also analyze the aspects of information that can also be considered personal data, such as name, images, sound recording, private secrets in connection with post-mortem privacy.

At the end of the dissertation some regulatory proposal can be found with the aim to reform the current legal system, so the will of the deceased people can be respected and the legal destiny of the digital legacy can be settled as well. According to the findings of the dissertation, it is essential to:

- I. amend the Act No. V. of 2013. on the Civil Code with the institution of the right of publicity

- II. amend the Act no. CXII. of 2011. on the Right of Informational Self-Determination with an official public register, which contains the persons' declaration of will in case of post-mortem privacy
- III. amend the Act no. CXII. of 2011. on the Right of Informational Self-Determination to create the consistency with the right in memoriam regulated in Act No. V. of 2013. on the Civil Code
- IV. amend the regulation of probate proceeding with regard to procedural issues of digital legacy
- V. establish a common legal rules in the European Union, with appropriate amendments to the Regulation (EU) 2016/679 of the European Parliament and of the Council (GDPR).

Finally, it should be mentioned that the dissertation deliberately does not contain specifics related to the protection of the right to privacy of public figures and famous people.

Summary of main findings

Data protection is becoming more and more important these days as legal systems begin to adapt to the challenges caused by technological advances. Data protection can be considered as „fashionable”, which is due to the GDPR and to the increasingly strict and active control of the authority. The Hungarian National Authority for Data Protection and Freedom of Information conducted 6803 cases in 2016¹³, 18.645 cases in 2018¹⁴, 11.619 cases in 2019¹⁵ and 11.825 cases in 2020.¹⁶ Data protection is becoming an increasingly important area of law with relative independence, and an increasingly exciting field of research.

In the dissertation I tried to present the multi-level and complex regulation on the legal protection of personal data, with special regard to the protection of private and administrative law and their constitutional basis, and the second part of the dissertation deals with post-mortem privacy. Although the digital preservation of personal data after death, the so-called digital legacy - is a phenomenon not new - the problem has been known for almost ten years - the majority of legal systems have still not taken the appropriate steps to resolve the situation, the GDPR has explicitly excluded it from its scope. Although the Hungarian legislator has already made explicit legal provisions regarding the processing of deceased persons' data, does not yet exist any practice, given the short period of barely two years that has elapsed since then.

The fact that the of digital heritage is not yet included in classical civil law is understandable, on the one hand, as legislation always follows the social changes slower, and on the other hand, it becomes sooner or later inevitable due to the increased data production.

In 2021, 3.81 billion active social media users¹⁷ and 4.15 billion e-mail users¹⁸ produce digital (personal) data daily, with some statistics showing that an average user has 8.6

¹³ A Nemzeti Adatvédelmi és Információszabadság Hatóság Beszámolója a 2016. évi tevékenységéről https://www.naih.hu/files/NAIH-BESZ-MOL--2016_Mid-Res.pdf (downloaded: 2021. február 13.)

¹⁴ A Nemzeti Adatvédelmi és Információszabadság Hatóság Beszámolója a 2018. évi tevékenységéről <https://www.naih.hu/files/Beszamolo-2018-MR.PDF> (downloaded: 2021. február 13.)

¹⁵ A Nemzeti Adatvédelmi és Információszabadság Hatóság Beszámolója a 2019. évi tevékenységéről https://www.naih.hu/files/NAIH_beszamolo_2019.pdf (downloaded: 2021. február 13.)

¹⁶ A Nemzeti Adatvédelmi és Információszabadság Hatóság Beszámolója a 2020. évi tevékenységéről <https://www.naih.hu/eves-beszamolok> (downloaded: 2021. augusztus 10.)

¹⁷ Daily time spent on social networking by internet users worldwide from 2012 to 2020 <https://www.statista.com/statistics/433871/daily-social-media-usage-worldwide/> (downloaded: 2021. február 14.)

¹⁸ The Radicati Group Inc., A technology market research firm, Email statistics report 2018-2020, <https://exse.eyewated.com/fls/1617d4475c5d28d7.pdf> (downloaded: 2021. február 14.)

access¹⁹ to certain services. This means an amount of personal data that, while surprising at first, cannot be ignored because of its significant impact on the environment.

Digitally stored “redundant” data uses the capacity of servers, which energy consumption could be reduced.²⁰ This reduction requires a regulation about the digital legacy – even included in the legacy procedure – of course with maximum respect of the deceased’s personality.

The questions posed in the dissertation should be answered as follows.

1. Does the multi-level regulation of privacy provide adequate protection? Is there a need to modify or simplify the existing regulations?

The protection of the personality is regulated on multi-levels: constitutional law, civil law, administrative law and criminal law deals with the topic, although the criminal law is not analysed in the dissertation. The content of the protection is the same, but the diversity of the regulations results in the fact, that there is no generally accepted position in the legal literature on the relation of the protection provided by different laws.

In my view, personality represents the same value in all rights, only the way of protection is different. Constitutional law stipulates the relation between state and citizen, civil law is applicable between private legal entities with the addition that if a party is considered as data controller, it must count with the administrative sanctions and fines as well. In the judicial practice the protection of the Data Protection Act and the Civil Code is in a specific-general relation. The protection provided by the Civil Code is wider, the sanctions of the Civil Code can be applied not only against data processor.²¹ Criminal law, although not analysed in the dissertation, defines the danger to society caused by the violation of personality rights.

The Act no. LIII. of 2018 causes uncertainty, as its legal protection is practically the same as the protection stipulated by the Civil Code. There is no dedicated, separated law to any of

¹⁹ Brian Dean: Social network usage & growth statistics: How many people use social media in 2021? <https://backlinko.com/social-media-users#how-many-people-use-social-media> (downloaded: 2021. február 14.)

²⁰ Mennyire környezetszennyező az adat? <https://rackforest.com/2019/10/14/mennyire-kornyezetszennyezo-az-adat/> (downloaded: 2021. február 14.)

²¹ PJD2020. 1.

the personality rights of the Civil Code. The Civil Code's purpose was to cover all the legal relations of the private law.

The question arises if the *lex specialis derogat legi generali* principle is applicable, and if yes, why the act refers back to the Civil Code, Penal Code and Data Protection Act.

In my opinion regarding the living data subjects, the existing regulation provides adequate protection for personal data and personality of the data subject. None of the continental legal systems regulates the right of publicity, which should be implemented in the continental law, even if it breaks the previous legal principles of personality rights.

It would be necessary to harmonize and extend the sectoral laws which stipulate the processing of deceased persons' data because of the increase of data, their impact on the environment, society, and the privacy of the deceased.

2. Does the personality survive after death, and if so, for how long? Is it necessary to extend personality protection after death?

I agree with the view that the effect of personality continues after death, as long as the deceased lives in the memory of a living natural person, but this does not mean the continued existence of the personality. It is necessary to extend the protection of interests after death as a legal fiction, but it is important to note that this cannot create legal personality. The most accurate source of the deceased's interest is the statement of him/herself, in which he expresses what should happen to the personal data left behind. Respecting the will of the deceased is not new in our legal system, it is ensured by several legal institutions including the primacy of the testament^{22 23}, the objection against the use of organs and funeral orders. By analogy the Hungarian legislator amended the Data Protection Act: The data subject may determine the way in which his/her personal data shall be processed after death – including offline and online data as well.

²² Boóc Ádám: Megjegyzések a magyar öröklési jog néhány lényeges és aktuális problémájához, Budapest Társadalomtudományi Kutatóközpont Jogtudományi Intézet, IN: Gárdos-Orosz Fruzsina – Menyhárd Attila (szerk.): Az új Polgári Törvénykönyv első öt éve, Társadalomtudományi Kutatóközpont Jogtudományi Intézet, Budapest, 2019., 72. o.

²³ Boóc Ádám: Comments On Some Important and Current Problems of the Law of Succession in Hungary – Considering Historical Aspects, Journal on European History of Law, Vol. 11/2020. No. 2. , p. 108.

The informational self-determination must be guaranteed by the law to data subjects, and even in the absence of a declaration of self-determination, there is a need for a legal protection constructed by law that can effectively regulate the interests of deceased persons.

The deceased's personality value affects, influences people even after his/her death, so this effect must be protected. (The influence of the personality and value of "simple" people disappears after a few generations of their descendants, while the influence of known personalities can last for centuries.) This protection cannot be more than the right to respect of the deceased, only requires an extended interpretation in the digital world.

In our network society there stays a set of personal data or online personality profile behind after a person's death, which requires adequate legal regulation. The post-mortem privacy protection shall harmonise the right to respect of the deceased person and the social interest for not processing unnecessary personal data.

3. If it is necessary to protect personal data after the death of the data subject, is this legal protection adequately ensured in the Hungarian legal system, with special regard to the Data Protection Act?

The Hungarian National Authority for Data Protection and Freedom of Information recognized the need for a legal post-mortem privacy protection in 2016. As a result the Hungarian legislator amended the Data Protection Act creating a developed regulation in 2018. The informational self-determination shall be granted even after death and without a declaration, the law ensures a kind of legal protection. However this does not construe data protection right to deceased persons. With this regulation the Hungarian legislator practically introduced a legal relation which bears the peculiarities of the right to information self-determination and the right to respect for the deceased, and which does not fall within the scope of data protection law – data subject is the living natural person. The Data Protection Act even improved the recommendations of the Authority and extended the legal protection to data processing on any legal basis.

The information self-determination is entrusted to data controllers, and the law does not create the official background within the framework of a publicly authentic register, so in my opinion the possibilities of enforcing the rights become more difficult. A public authority register which content would be relevant in the *hayatéki* proceeding, would adequately ensure the social interest of deleting unnecessary data and the informational self-determination of the deceased.

4. Does the protection in the Data Protection Act implement privacy regulations or construct a special right of the deceased? Is it necessary to modify the civil code with regard to data protection, or does the Data Protection Act settle the issue properly?

Data subject is always a living natural person, so the section 25 of the Hungarian Data Protection Act creates a special right to respect of the deceased. This construction is similar to the legal protection in the copyright law. The Data Protection Act does not state the end of the privacy rights in the event of death, but the definition „*the rights to which the data subject was entitled in his life*”²⁴ suggests a special right to respect of the deceased. It is not a right of the deceased, which would be a paradox.²⁵ It is important to note that the rights to which the data subject was entitled in his/her life are narrower than the actual data protection rights.

Since the specific rights known from copyright is also included in the sectoral, special law compared to the general one, in my opinion the implementation of the special rules in the Civil Code with regard to data protection is unnecessary, the relevant section of the Data Protection Act can create adequate protection. However, it is necessary to amend the Data Protection Act and other legal acts (especially the Act on Probate Procedure) in accordance with the Civil Code. Only the data protection rules cannot provide adequate protection in the topic.

²⁴ 2011. évi CXII. törvény 25. § (1) – (2) bek.

²⁵ Gyenge Anikó: A szerzői jog metamorfózisai és az *editio princeps* jogintézménye (MJ, 2003/11., 649-657. o.)

5. Is there a need for a European regulation on post-mortem privacy, or is the member states' regulation sufficient? If new, common regulation is needed, with what content?

Data processing and the information society know no border – this made necessary the harmonisation of the legal systems with the 95/46/EC and after the globalisation the GDPR. As the data processing of the deceased is also mostly cross-border (including international web2.0 providers, cloud services, social media, etc.), a single European regulation is needed. The new common regulation should apply the French rules within at least the 5-years enforcement period known from the Hungarian law (or 10-years known from Iceland).

In my view, the member states cannot provide adequate protection, even if the extraterritorial scope²⁶ of individual laws, as data controllers often operate across borders and fragmentation only leads to legal uncertainty. It would be necessary to amend the GDPR to harmonize and ensure consistency across the Union, as well as to put common and specific, sector-specific data protection rules at a common denominator.

²⁶ 2011. évi CXII. törvény 2. §

Proposals on the regulation

I.

Although the continental legal system protects all aspects of personality, it does not or does not adequately create the right to self-determination in the sense of property. Explicit recognition of the property elements of personality rights is a lack in continental legal systems – because personality rights are considered as ideological and not material. It could be useful to create the commercial use of personality aspects.

Merchandising is currently included in the Hungarian legal system only in the Sports Act no. I. of 2004., which creates the legal possibility exclusively for sportsmen to use their name, image, etc.²⁷ commercially. It would be reasonable to create this opportunity not only for sportsmen, but also for other prominent actors in literature, science, art, and even for the average person.

Therefore the Civil Code should be amended as follows:

2:51. § [Commercial use of personality aspects]

- (1) The commercial use of personality aspects – in particular name, picture, voice, signature or any other personal characteristics– may take place only with the permission of the right holder in accordance with the contract laws of present Act.*
- (2) Personality aspects of deceased persons may take place with the permission of the close relatives or of the persons appointed by the deceased in his/her life. The contract about commercial use which violatest he right to respect of the deceased is null and void.*

The best solution for the commercial use of the deceased person's personality aspects is to be decided by the persons who were presumably close to the deceased in his/her life or who have been specifically appointed to this task by the deceased during his/her lifetime.²⁸

²⁷ 2004. évi I. törvény 35. §

²⁸ Stump Kriszina: A személyhez fűződő jogok vagyoni elemeinek védelme: a „right of publicity” az Amerikai Egyesült Államok jogában, https://edit.elte.hu/xmlui/bitstream/handle/10831/35657/Jogi_tan_2012_2_Stump_Krisztina_p_399-412.pdf;jsessionid=BAC56D6DF5D8E651754F99CF2AB182A9?sequence=1 (downloaded: 2021. február 20.) 409. o.

II.

Although the Data Protection Act created the possibility of post-mortem privacy in an outstanding spirit, it did not create a centralized regulatory background for the handling of self-determination declarations, which, however, makes the protection fragmented.

Practically the Data Protection Act implemented the protection which was already provided by data controllers.

Amendment of section 25 of the Data Protection Act – similar to the French model – is recommended as follows:

Section 25 (1) Within five years of the death of the data subject, the rights to which the data subject was entitled in his life, specified in section 14 b) to e), or in the case of processing operations under the General Data Protection Regulation, the rights specified in Article 15 to 18 and in Article 21 of the General Data Protection Regulation, may be enforced by a person authorised to do so by the data subject in the form of an administrative disposal or a declaration made at the controller and incorporated in a public deed or a private deed of full probative value, taking into account the declaration of the later date if the data subject has made more than one declaration to the same controller. The declarations made by the data subject shall be registered by the authority / organization established for this purpose by law. The records are public and authentic.

III.

It would be necessary to amend the Data Protection Act and to create the right to proceed for those who have the right to respect of the deceased in the Civil Code. The Data Protection Act creates a special right to respect of the deceased, which indicates the modification as follows:

(2) *If the data subject has not made a juridical act complying with paragraph (1), his close relative or testamentary heir according to the Civil Code may enforce, even in the absence of it, within five years of the death of the data subject, the rights to which the data subject was entitled in his life, specified in section 14 c), or in the case of processing operations under the General Data Protection Regulation, the rights specified in Article 16 and Article 21 of the General Data Protection Regulation, as well as in section 14 d) and e), or in the case of processing operations under the General Data Protection Regulation, the rights specified in Article 16 and Article 18 of the General Data Protection Regulation, if the processing had already been unlawful in the life of the data subject or if the purpose of processing terminated upon the death of the data subject. The close relative or testamentary heir who is the first to exercise his right shall be entitled to enforce the data subject's rights under this paragraph. In exercising the rights under this paragraph, the close relative or testamentary heir shall act in cooperation with the other close relatives or testamentary heir.*

(3) *In the course of enforcing such rights, in particular during the procedures against the controller and before the Authority or a court, the person enforcing the data subject's rights under paragraph (1) or paragraph (2) shall be entitled to the rights and be bound by the obligations laid down in this Act with regard to the data subject.*

(4) *The person enforcing the data subject's rights under paragraph (1) or paragraph (2) shall verify the fact and the date of the data subject's death with a death certificate or with a court decision, as well as his own personal identification, together with his status as a close relative in the case under paragraph (2), with a public deed.*

(5) *Upon request, the controller shall inform the data subject's close relative or testamentary heir according to the Civil Code on the measures taken on the basis of paragraph (1) or paragraph (2), unless the data subject had prohibited it in his declaration specified in paragraph (1).*

Because of the *lex specialis derogat legi generali* principle, the Data Protection Act can provide more effective protection than the Civil Code, so the amendment of the Civil Code is unnecessary.

IV.

The Act no. XXXVIII. of 2010. on Probate Proceedings should be amended with the public authority register, as follows:

118. § (7) Notaries and notaries public shall have authority to request information from the public authority register with a view to establishing the self-determination of the deceased and to determinate the inheritable assets contained therein.

Nowadays, users leave behind an astonishing amount of data, a digital trace that can't stay "hanging in the air". In my opinion it should be taken into account in probate proceedings - primarily by executing a declaration of self-determination made by the deceased while still alive, or failing that by ensuring the heirs, close relatives the decision.

The legal relation between the civil law testaments and data protection declarations should be settled to avoid the possible conflicts.

V.

Since the digitalisation and globalisation know no border, the data privacy should be uniform and solid.²⁹ In my opinion nowadays, when data controllers operate across borders, a regulation at European level on the protection of the personal data of deceased persons would be needed, which is unfortunately out of scope of the GDPR currently. A new common regulation must consider the differences of the member states but provide the highest level of protection in the form of a regulation with direct effect. In my view, a regulation similar to the current French and Hungarian regulations, as proposed in the previous point, could adequately ensure the data subjects' right to information self-determination and the rights and freedoms related to the protection of their personal data.

²⁹ Tóth Fanni: A GDPR-ról - különös tekintettel a könyvtárakra és levéltárakra (Debreceni Jogi Műhely, 2018./1-2.)

List of publications

Publications related to the dissertation

1. Schubauer, Petra: Digitális élet a halál után - avagy az online személyes adatok polgári jogi és adatvédelmi jogi megítélése az adatalany halála után, *Jogalkotás és jogalkalmazás a XXI. század Európájában*, pp. 40-50., 10 p., (2018)
2. Schubauer, Petra: Információs önrendelkezés a halál után hatályos jogunkban, avagy a post-mortem privacy, *ArsBoni*, VIII. évfolyam, 2020/3-4., pp. 74-80., 7 p. (2021)
3. Schubauer, Petra: A digitális hagyaték egyes szabályozási kihívásai, különös tekintettel az adatvédelmi aspektusokra, *ProFuturo*, 11. évfolyam 1. szám (2021)
4. Schubauer, Petra: A post-mortem privacy biztosításának nemzetközi megoldásai, *Infokommunikáció és Jog*, 76. sz., XVII. évfolyam (2021)
5. Schubauer, Petra: Az adatvédelem és a magánszféra többszintű szabályozási kihívásai, *under release* (2021)

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1. Schubauer, Petra: New Trends in the International Data Transfer - Cooperation of the EU and the USA after the Schrems Decision, *Часопис Національного університету "Острозька академія"* 2016. No.1 (13), pp. 1-12., 12 p. (2016)
2. Schubauer, Petra: A Safe Harbor Program adatvédelmi problémái az Európai Unió Bírósága döntésének tükrében, *TÁRSADALOM ÉS HONVÉDELEM* 2016/2., pp. 147-155. , 9 p. (2016)

3. Schubauer, Petra: Adatvédelem vagy biztonság?, MAGYAR RENDÉSZET 2016/1. pp. 141-146., 6 p. (2016)
4. Schubauer, Petra: Mennyire biztonságos az új biztonságos kikötő?, Jogalkotás és jogalkalmazás a XXI. század Európájában, pp. 147-157., 10 p. (2017)
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