

THE EUROPEAN CENTRE FOR MINORITY ISSUES

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Processing of Ethnicity Data

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Ethnic Data as Sensitive Data


- Article 6 of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CoE Convention 108): ***Special Categories of Data***

(1) The processing of: (...)

– personal data for the information they reveal relating to racial or ethnic origin, political opinions, trade-union membership, religious or other beliefs, health or sexual life,

shall only be allowed where appropriate safeguards are enshrined in law, complementing those of this Convention.

(2) Such safeguards shall guard against the risks that the processing of sensitive data may present for the interests, rights and fundamental freedoms of the data subject, notably a risk of discrimination.



➤ Article 9 of the General Data Protection Regulation (Regulation (EU) 2016/679): Processing of special categories of personal data

(1) Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

(2) Exceptions to the general prohibition

The Scope of the Ethnicity Data

- Article 6 (1) of the Convention 108 and Article 9 GDPR: personal data **revealing** racial or ethnic origin
- Wider interpretation: data on citizenship, citizenship of the parents, place and country of birth, language, skin color, customs, clothing, and even the name
- Narrow interpretation: race, colour, national or ethnic origin, nationality, religion and language

Ethnicity Data as Personal Data

- “personal data” means any information relating to an identified or identifiable individual (“data subject”) (Article 2 a. of the Convention 108).
- “personal data” means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (Article 4.1 of the GDPR).
- Personal data and statistics

Relevance/Importance of Ethnicity Data

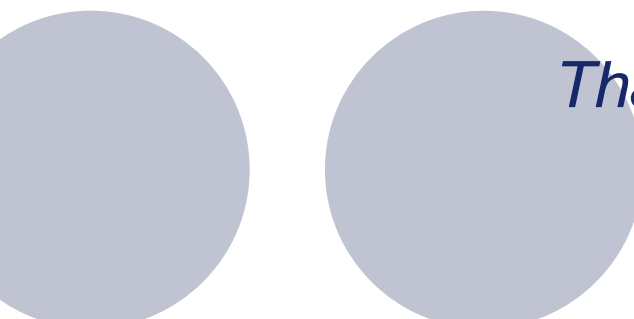
- Enjoyment of special minority rights
- Indication of discrimination
- Development of equality and diversity policies (antidiscrimination, affirmative action, protection of national minorities)

Risks of Data Abuse

- Unlawful collection of data
- Processing the data against the purpose they were collected for
- “Data Mining” and “Ethnic Profiling”
- Perpetuation of stereotypes and stigmatization of groups



Thank you for your attention!



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