

The type codes as a tool for the privacy protection in the digital environment: Appreciations from the Spanish Law [Los códigos tipo como instrumento para la protección de la privacidad en el ámbito digital: Apreciaciones desde el Derecho Español]

López Jiménez D.

The possible threats -and also transgressions- of the fundamental right of the personal data protection in the current information society have a particular relevance, especially in the digital world. To ensure the protection of privacy, there are two different regulation models. On the one hand, the European, in which it is included Spain, and where the data protection is a fundamental right that requires hetero normative, giving importance and priority to the law, and at the same time, encouraging the use of the self-regulation of the sector which interacts in this scenario. And on the other hand, the American model, which turns around to the lack of consideration of the data protection as a fundamental right. In the latter, it takes an essential role the self-regulation. In this research paper, we will refer to this phenomenon which, in the spanish Law, it constitutes a suggestive and paradigmatic manifestation the type code. This tool complements the standards approved by the legislator in this area, ensuring thus a higher level of protection of this fundamental and significant right.

Fundamental right

Privacy

Protection

Spanish Constitution

Type codes