



## Ordine internazionale e diritti umani

International Legal Order and Human Rights  
Ordenamiento Jurídico Internacional y Derechos Humanos  
Ordre juridique international et Droits de l'Homme

### *THE FUNDAMENTAL RIGHT TO DATA PROTECTION AND THE TRANSNATIONAL DIMENSION OF THE PRIVATE ENFORCEMENT OF GDPR*

The ambivalence of personal data, as the object of a fundamental right for the individuals concerned and at the same time as an economically valuable asset with strategic relevance in the context of the digital economy, has inevitably influenced the shape of the GDPR enforcement mechanisms. Alongside tools of a publicistic nature, the EU legislator has provided private remedies and actions which can also be invoked by persons other than the data subjects and that can also be used in transnational settings. The paper addresses the cross-border dimension of the so-called private enforcement of GDPR and analyzes the problems that may arise from the fragmentary jurisdictional regime set forth in the Regulation and from the lack of attention that the EU legislator has devoted to the issue of the applicable law.