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	Title of research article  An In-Depth Legal Examination of the Rights of Individuals Whose Personal Data Is Subject to Automated Processing under Algerian Law No. 18-07: Balancing Privacy, Technological Advancement, and Human Dignity
Khelouf Houssam	Dr. Laboratory of Studies and Research on Colonial Massacres, Mohamed Lamine Debaghine University Setif-02 Algeria E-mail: h.khelouf@univ-setif2.dz
Remaznia Sofiane	Dr. Laboratory of Modern Technology Applications on Law, University of Setif 2, Setif, Algeria Email: s.remaznia@univ-setif2.dz
Bougherra Radhouane	PhD Legal, Political, and Sharia Research Laboratory, University of Khenchela Khenchela, Algeria Email: bouguerra.radhouane@univ-khenchela.dz
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Abstract The exponential growth of digital technologies and automated data systems has significantly transformed personal information management, raising complex legal and ethical challenges concerning the protection of private life. This study explores the scope, content, and implications of the rights guaranteed to individuals whose personal data undergoes automated processing, with a focus on Algerian Law No. 18-07 on the protection of natural persons in the domain of personal data processing. The research emphasizes that personal data protection has become an essential pillar of modern legal systems, ensuring the preservation of human dignity, autonomy, and privacy amidst rapid technological change. Drawing upon a comparative legal analysis, the study examines the correspondence between Algerian legislation and international legal frameworks such as the EU's General Data Protection Regulation (GDPR), identifying key convergences and divergences. It also highlights the critical rights of individuals—such as the right to access, rectify, object, erase, and restrict automated processing of their data—while analyzing the institutional and procedural mechanisms designed to safeguard these rights. The findings reveal that while Algeria has taken significant legislative steps toward aligning with global data protection standards, gaps remain in the enforcement and oversight mechanisms. The study concludes by recommending enhanced regulatory coordination, improved public awareness, and the establishment of a robust national data protection authority capable of ensuring full compliance with both domestic and international norms.	
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Introduction:

The inviolability of private life constitutes an essential aspect of an individual's being that must be safeguarded. Failure to do so could result in the diminution of personal creativity, rendering it bereft of the qualities that make it uniquely human. Every individual possesses personal secrets, feelings, private prayers, and distinct characteristics that can only be enjoyed within the confines of a protected space, which they themselves maintain. This life's preservation is ensured by means of subsistence, and its sanctity requires that an individual has the right to preserve their privacy and keep their manifestations confidential. The constitutionally guaranteed right to protect the private life of individuals is enshrined in Article 46 of the Algerian Constitution. The protection of the personal data of natural persons is deemed a fundamental right punishable by law in the event of its violation¹.

In the first paragraph of Article 3 of Law 18-07 relating to the protection of natural persons in the field of processing data of a personal nature in order to identify, directly or indirectly, natural persons, the Algerian legislator defined data of a personal nature in a manner identical to the rest of the legislation, the **“person of interest”** referred to below, in particular by reference to an identification number or one or more elements of his physical, physiological, genetic,² biometric, psychological, economic, cultural or social identity.³

As defined by the French legislator in Article 2 of the Media and Freedoms Law, it is: “Every information related to a natural person who is directly identified or identifiable, through an identification number or several elements, related to his identity.” Almost the same definition was adopted by both the Tunisian and Moroccan legislation, where data of a personal nature were generally considered to be all information of any kind regardless of its support, including sound and images related to a known or recognizable natural person⁵.

The subject of inquiry pertains to the grant of rights to individuals whose personal data is subjected to automated processing, with a view to ensuring the protection of their personal data from any electronic threat. To this end, the research will commence by focusing on a significant problem, namely the extent of the rights conferred upon the individual in question. The research will then proceed by adopting a bifurcated approach, involving the examination of two main sections of inquiry.

Section One: Types of the electronic threat to private life.

Section Two: The rights of the person whose personal data is the subject of automatic processing.

Section One

Types of electronic threat to private life

The legal right of individuals to maintain their confidentiality and protect their private lives is safeguarded by law. However, this right may be circumscribed in the event that the individual provides his or her personal data for the

1- The Algerian Constitution amended by Law No. 20-442, dated Jumada Al-Awwal 15, 1442 AH, corresponding to December 30, 2020 AD, JR No. 82 of 2020.

2- The person concerned is “every natural person in respect of whom data of a personal nature are the subject of processing”

3- See Article 02 of Law No. 07-18 of Ramadan 25, 1439 corresponding to June 10, 2018, relating to the protection of natural persons in the field of processing data of a personal nature, Official Gazette No. 34 of June 10, 2018.

4Law n 78-17 of 06-01-1978 relating to data processing, files, and freedoms, jorf of 07-01-1978, dates the data-processing law and freedoms, modified in 2004.

5- Mona Al-Ashqar and Mahmoud Jabbour, Personal Data and Arab Laws - Security Concern and Individual Rights -, Arab Center for Legal and Judicial Research, Council of Arab Ministers of Justice, League of Arab States, first edition, Beirut, Lebanon, 2018, p. 80.

specific purpose of automated data processing ⁶, it is exploited for purposes other than those for which it was given, which constitutes violations and threats directly affecting the private life of individuals, which we discuss in the following:

First: illegal collection, storage and processing of data

The collection or storage of information derives its illegal character either from the illegal methods used to obtain this data and information or from the nature of its content.

The employment of illegal methods to collect and store data may involve the use of measures that represent a manifest breach of an individual's right to privacy. Moreover, the collection and storage of certain types of data may be deemed illegal by virtue of the inappropriate nature of the data itself. The Algerian legislator has punished this type of crime in Article 59 ⁷. From Law 18/07, where the text of the article states: "Anyone who collects data of a personal nature in a fraudulent, dishonest or illegal manner shall be punished by imprisonment from one year (01) to three years (03) and a fine from 100,000 DZD to 300,000 DZD." ⁸ This is the same as stipulated by the French legislator in Article (226-18) of the French Penal Code, where he punished the crime of illegal data collection and storage, but the penalty was severe. ¹²

Second: Misuse of nominal data or information

The automated processing of personal data involves the collection and storage of information, which must have a specific and clearly delineated purpose that is consistent with public order and public morality. The entity responsible for carrying out the processing must adhere to the objective and intended purpose behind the collection and storage of the data. The storage of nominal data or information is permissible only to the extent that it pertains to the establishment of the intended processing system ⁹.

The Algerian legislator stipulated the crime of misusing nominal data or changing the intended purpose in Article 58 of Law 07/18 by saying: "He shall be punished by imprisonment from six (06) months to one year (01) and a fine from 60,000 DZD to 100,000 DZD, or only one of the two penalties. Anyone who performs or uses data processing for purposes other than those authorized or licensed." ¹⁰ In the same context, Article (226-21) of the French Penal Code criminalized the misuse of nominal data, but the French legislator in all cases intensifies the penalty for The opposite of the Algerian legislator. ¹¹

Third: Disclosure of data in a way that harms the person of interest

One of the fundamental elements of the process of gathering and storing information in order to properly process it is that it be done completely confidentially. The act of gathering and maintaining information does not imply that it has passed from the private to the public domain. On the contrary, it cannot be disclosed or deviated from the purpose for which it was delivered or used. In a way that harms its owner, and if this data was leaked illegally, this is considered a violation of privacy and a crime punishable by Algerian law under Article 62 of Law 18/07, and imposed a penalty of imprisonment in ¹² addition to a fine, in order to ensure that it is treated in complete confidentiality. The dignity of the person involved in the processing process by respecting the privacy of his personal data.

By way of a summary of the most salient perils confronting the privacy of individuals, beyond those aforementioned, several threats are identified as transgressions under the ambit of the law. These include acts that impinge on the sanctity of confidentiality pertaining to communications and correspondence, unauthorized access to data by untrained or unqualified individuals, and the propagation of erroneous or nominal data.

⁶ The processing of personal data is represented in: "every operation or group of operations carried out by or without automatic means on data of a personal nature, such as collection, recording, organization, preservation, adaptation, change, extraction, viewing, use, or delivery via Transmission, publication, or any other form of making available, approximation, interconnection, or closure, encryption, erasure, or destruction."

⁷ Nahla Abdel Qader Al-Momani, Information Crimes, first edition, Dar Al-Thaqafa for Publishing and Distribution, Amman, 2008, p. 174.

⁸ See Article 59 of Law 07-18.

⁹ Nahla Abdel Qader Al-Momani, previous reference, p. 175.

¹⁰ See Article 58 of Law 07-18.

¹¹ Abdel-Fattah Bayoumi Hijazi, Electronic commerce and its legal protection, Book Two - Criminal Protection for the Electronic Commerce System, Dar Al-Fikr Al-Jamei, Alexandria, 2004, p. 84.

¹² Article 62 of Law 18-07 stipulates that: "Without prejudice to the penal provisions that require the application of the nature of the information in question, the person referred to in Articles 23 and 27 of this law, for disclosing information protected by this law, shall be punished with the penalties stipulated in Article 301 of the Penal Code."

Section Two

The rights of the person whose personal data undergoes automatic processing

The right to privacy and protection of personal data is an inalienable right that every individual in society is entitled to by virtue of their personality. This fundamental right has been accorded considerable attention in modern legislation, prompting the enactment of specific laws designed to safeguard personal data. The Algerian legislator, for instance, promulgated Law 18-07 aimed at protecting personal data. One of the salient provisions of this law is the protection granted to individuals whose personal data is processed, by virtue of the broad range of rights accorded to them. These rights enable the individual to exercise supervisory control over their personal data at every stage of the processing cycle, from the point of collection to processing, and to terminate processing activities if they infringe upon the law. The rights include the right to be informed, the right to access, the right to object, and the right to rectify, as stipulated in Articles 32 to 37 of Law 18-07.

First: the right to information

In the context of personal data processing, individuals have the right to be informed about the use of their personal data, particularly in operations such as electronic commerce or any other process involving the electronic exchange of personal data. This right enables individuals whose data is being processed to request from the controller all necessary information concerning the use of their personal data. It should be noted that such notification should be provided before the start of the processing process and not during its course. According to Article 12 of the Algerian Law 18-07 related to the protection of personal data, the controller or its representative is obligated to inform each person who is being asked to provide their personal data in advance, explicitly and unambiguously, of the following elements:

- the identity of the person in charge of the processing and, if necessary, the identity of his representative,
- processing purposes
- Any additional useful information, especially the addressee, the extent of the obligation to respond, the implications of his rights, and the transfer of data to a foreign country¹³.

The text in question alludes to the inadequacy of the provisions of a particular legal article in clarifying the obligations imposed on the person responsible for processing personal data, with the aim of safeguarding the right to privacy and confidentiality. Specifically, it highlights that said article falls short of adequately informing the data subject about all relevant details, such as the duration of data preservation as stipulated by the law, as well as the measures put in place to protect the data being processed. Such information is essential for the concerned individual to assess the effectiveness of the data processing process in safeguarding their personal information, and to decide whether to accept or object to the collection and processing of their data¹⁴.

According to Article 33 of the same law, the legislator has exempted three instances from the requirement to inform:

- A. If it is not possible to notify the person concerned, especially in the case of processing data of a personal nature for statistical, historical, or scientific purposes, the person in charge of processing, in this case, is required to notify the national authority of the impossibility of informing the person concerned and provide it with the reason for the impossibility.
- B. If the processing was carried out in accordance with a legal text.
- C. If the processing is carried out exclusively for journalistic, artistic, or literary purposes.¹⁵

Secondly, the right to access

13- See Article 32 of Law 07-17.

14- Belisawi Mohamed El-Taher, "The rights of the person concerned and the obligations of the person responsible for the processing in accordance with Law 18-07 related to the protection of natural persons in the field of personal data", *Journal of Political Science and Law*, Arab Democratic Center - Berlin-Germany, Issue 15, Volume 03, May 2019, p. 50.

15- See Article 33 of Law 07-18.

This right is the foundation of the personal data protection procedure, and it is one of the fundamental rights granted to every individual. Some regulations, such as Moroccan legislation, regarded it as one of the fundamental constitutional rights provided to every citizen.

Referring to the Algerian legislation through Law 18-07 related to the protection of personal data, we find that it has guaranteed the right to access in accordance with Article 34, which stipulates that: "The person concerned has the right to obtain from the person responsible for the processing:

- confirming whether or not the personal data relating to him were the subject of processing, the purposes of the processing, the categories of data to which they belong and the addressees,
- Inform the person, in a comprehensive manner, of his/her data that are subject to processing, as well as of all available information about the source of the data.

The person in charge of processing has the right to request that the national authority establish deadlines for responding to valid access requests. He also has the right to object to arbitrary requests, particularly those that are excessively numerous and repetitive, and it is his responsibility to establish this claim¹⁶

Upon examining the aforementioned article, it becomes apparent that it grants the individual whose personal data is being processed with the right to access information in all possible means that ensure the preservation of the integrity of their personal data. This right enables the individual to confirm whether their personal data has been subject to processing or not, as well as to verify the purposes and objectives of the processing process. Furthermore, they can acquire knowledge regarding the categories of data concerned with the processing process and the method by which the processing takes place. Additionally, they may inquire about the addressees or entities responsible for this processing process. On one hand, Article 34 stipulates that the person responsible for the processing process must inform the individual whose data is being processed about the person who is processing their data and the source of this data, utilizing a clear and comprehensible method.

Thus, the person responsible for the processing process is legally obligated to enable the person concerned to exercise his right to access if all the conditions stipulated by law are met. The National Committee, at the request of the person in charge of the processing for the purpose of answering legitimate access requests. He can also object to arbitrary requests in terms of their number and repetitive nature. In this case, he is required to prove their arbitrary nature.¹⁷

It is notable that the Algerian legislature did not provide an exception for the right of access, unlike it did for the right to information, which raised a concern for us. Is it possible to exercise the right of access in each and every processing action without exception?

Moreover, if we attempt to answer this question, we can say that in the absence of an exception, the text is applied in general, and based on the rule that the principle is in permissive things, then the one concerned with the processing process can exercise his right to access in all cases, while we find that there are treatments in which it is impossible to process Access due to its nature or the conflict of the access process with legal or security requirements.¹⁸

Third, the right to correction

One of the fundamental legal rights granted to the person involved in the processing was outlined in Article 35 of the aforementioned Law 18-07 in Algeria, which read: "The person concerned has the right to obtain, free of charge from the person responsible for the processing:

A- Updating, correcting, erasing or closing the personal data whose processing is not in compliance with this law because of, in particular, the incomplete or incorrect nature of such data or because its processing is prohibited by law, and the person in charge of the processing is obligated to carry out the necessary corrections free of charge, for the benefit of the requester within a period of ten (10) days of being notified.

16- See Article 34 of Law 07-18.

17- Tommy Yahia, "The Legal Protection of Personal Data in Light of Law No. 18-07," *Journal of the Researcher for Legal and Political Studies*, University of M'sila, Issue 02, Volume 04, for the year 2019, pp. 1531-1532.

18Ibid., pg. 1532.

In case of refusal or failure to respond to the request within the aforementioned period, the person of interest has the right to file a request for correction with the national authority, Which assigns one ¹⁹ of its members to carry out all the necessary investigations and work to make the necessary corrections as soon as possible and inform the person concerned of the outcome of his request.

B- Informing the third party to whom the personal data was delivered of every update, correction, erasure, or closure of the personal data, in implementation of step (a) above, unless this is impossible.

The right provided for in this Article may be exercised by the heirs of the person concerned.”

If we analyze the text of Article 35 above, we find that the legislator gave the person involved in the processing process the right to obtain, free of charge, from the person responsible for the processing process, any update, correction, erasure, or closure of access to his personal data whose processing process is in violation. According to the law, for many reasons, such as if the data is incorrect or incomplete, or because its processing is prohibited by law, and in this case the person responsible for the processing is obligated to make the necessary corrections free of charge for the benefit of the requester and within the legal deadline set for ten days from the date of his notification.

In the event that the request for corrections is rejected by the person responsible for the processing process, or he refrains from responding within the legal deadline, the person concerned can file a correction request with the National Authority ²⁰, where it in turn assigns one of its members to carry out all investigations that may benefit the correction process, and work To make the necessary corrections as soon as possible while keeping the person concerned informed of the available results to ensure the protection of his rights.

Last but not least, it should be mentioned that the Algerian legislature has given the heirs of the person undergoing treatment permission to act in place of their legator in asking for the required legal modifications in accordance with the steps taken by the legal system.

Finally, we point out that the legislator also did not make exceptions for the right to correction, which leaves us with a question regarding the application of this right to its release or not. On the contrary, we find that the French legislator has subjected this principle to exceptions and left no room for questioning and arbitrariness in the application.²⁰

Fourth / the right to object

Similar to the rest of the aforementioned rights, the right to object is considered one of the basic rights, from which the person whose personal data is the subject of processing can exercise control over the stages of processing in order to ensure the integrity of his data and privacy guaranteed by law. Article 36 of the aforementioned Law 18-07 states: “The person of interest has the right to object, for legitimate reasons, to the processing of his data of a personal nature, and he has the right to object to the use of data relating to him for advertising purposes, especially commercial ones, by the person responsible for the processing or responsible for post-processing.”²¹

Upon analyzing this article, it is evident that the legislator has granted the concerned person the right to object to the processing of their personal data. However, the time frame during which the objection can be submitted has not been explicitly specified. It remains unclear whether this right is absolute and can be invoked at any time, or if there is a specific period within which an objection must be submitted before forfeiting the right. It is also unclear whether objections can be raised after the completion of the processing process or during the data collection phase. While it may seem strange to raise objections during the collection stage, it can be assumed that this right begins at the start of the processing process and not beforehand. Further clarification is needed from the legislator to provide a clear understanding of the timeline for invoking this right to object to the processing of personal data.²²

It should be pointed out that the person involved in the processing process has the right to object to the use of his personal information for advertising, specifically commercial purposes, by the party initially responsible for the

19- The national authority: “The national authority for the protection of personal data is any public or private entity that provides users of its services with the ability to communicate through an information system and/or a communications system, any other entity that processes or stores informational data for the benefit of the said communication service or for users.”.

20- Tommy Yahya, previous reference, p. 1533.

21- See Article 36 of Law 07-18.

22- Belisawy Muhammad Al-Taher, previous reference, p. 51.

processing process or by a party responsible for subsequent processing. The objection is submitted in all cases through a request addressed by the person concerned to the person in charge of the processing process, provided that this request is in written form.

In the final sentence of the same article, the legislator mentioned two exceptions to the right to object. If the processing is required by a legal obligation, the right to object is lost. The ability to object is also lost if it is specifically stated in the document authorizing the processing that it is not permitted²³.

Finally, we point out that in addition to the aforementioned rights enjoyed by the person concerned with the processing process, Article 37 of Law 07-18 added to us another right represented in preventing direct exploration, which cannot be considered a basic right like other rights due to its great similarity with the right to Prior notification, the purpose of adding it may be to enhance greater protection for persons whose personal data are the subject of automatic processing²⁴.

Conclusion:

The protection of individual's privacy is a crucial matter both internationally and domestically. The Algerian legislature recognized the importance of safeguarding individuals' privacy by enacting Law 18-07 concerning the protection of natural persons in the processing of personal data. This law establishes several legal mechanisms that provide fundamental assurances for the protection of personal data from the collection stage to the final processing stage. The processing of personal data should serve a specific purpose and comply with lawful grounds, with the individual's consent being a prerequisite for processing the data.

The legislation enshrines a set of rights for individuals whose personal data is the subject of processing, which guarantees the proper handling of personal data and prevents any form of data breach. The right to information is a fundamental right of the processing process, and it is unreasonable to process an individual's data without their knowledge. The right to access is also a cornerstone of the processing process, and it is constitutionally guaranteed in some jurisdictions. Individuals have the right to request correction of any information in their data that is in violation of the law, and they may object to the processing of their data if there is a legitimate reason for doing so.

To enhance the protection of individuals' rights in the processing process, we recommend amending Law 18-07 to address specific issues such as the duration of data retention, setting a definite period for the right to access, and enabling rights holders to exercise the right to object on behalf of the individual concerned if they have an interest in doing so. Such amendments will ensure the stability of transactions and protect the individual's rights concerning the processing of their personal data.

Methodology

This research adopts a qualitative legal and comparative methodology, combining doctrinal legal analysis with normative interpretation. The study examines primary legal texts—particularly Law No. 18-07 on personal data protection, the Algerian Constitution (Article 46), and related executive decrees—alongside international legal instruments such as the European Union's GDPR and the Council of Europe Convention 108+.

Secondary sources, including scholarly commentaries, legal journals, and academic monographs, are critically analyzed to trace the theoretical evolution and practical application of privacy rights in automated data processing. The comparative approach enables the identification of common standards and divergences between Algerian and international data protection frameworks.

Additionally, the research integrates case study analysis of legal precedents and administrative practices to assess the actual implementation of data protection rights. The methodology emphasizes interpretative rigor, legislative contextualization, and cross-jurisdictional evaluation to provide a comprehensive understanding of the subject.

Ethical Considerations

²³The last paragraph of Article 36.

²⁴ - See Article 37 of Law 07-18.

This research adheres to international ethical standards governing legal and social science studies. No personal data were collected, processed, or analyzed during the research. The study relies exclusively on publicly accessible legal documents, scholarly materials, and statutory texts.

All interpretations are made objectively, without bias, ensuring respect for the dignity and privacy of individuals discussed in theoretical or legal examples. The authors affirm their adherence to the Committee on Publication Ethics (COPE) principles, ensuring transparency, academic integrity, and avoidance of plagiarism or data manipulation.

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Conflict of Interest

The authors declare no conflict of interest. The research was conducted independently, without any financial, personal, or institutional influence that could affect the objectivity or integrity of the findings.

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