

Compliance Governance

Impact of corporate tools on the effective exercise of individuals' fundamental rights

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General background

Many privacy and data protection laws and regulations around the world

- All confer individual rights

Companies are expected to apply these laws and regulations without being told exactly how

- Risk of opportunistic behaviour in applying an abstract rule

The Struggle for Law (Rudolf von Jhering, 1872) in digital environments

- How can individuals regain control over how their data is handled?

Global law (overlapping legal obligations and increasing number of normative entities)

- How does this emerging normativity operate between states, companies and individuals?

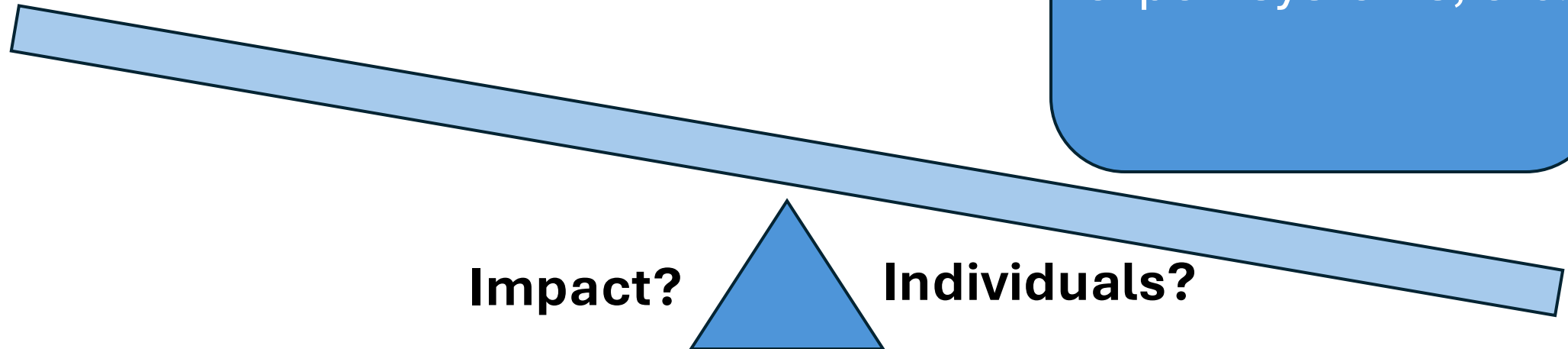
Overview of compliance tools

Rules (rights)

Being informed,
consent, access,
erasure, portability,
etc.

Corporate tools

(Legal) engineering,
dashboards, forms,
privacy policies,
expert systems, etc.



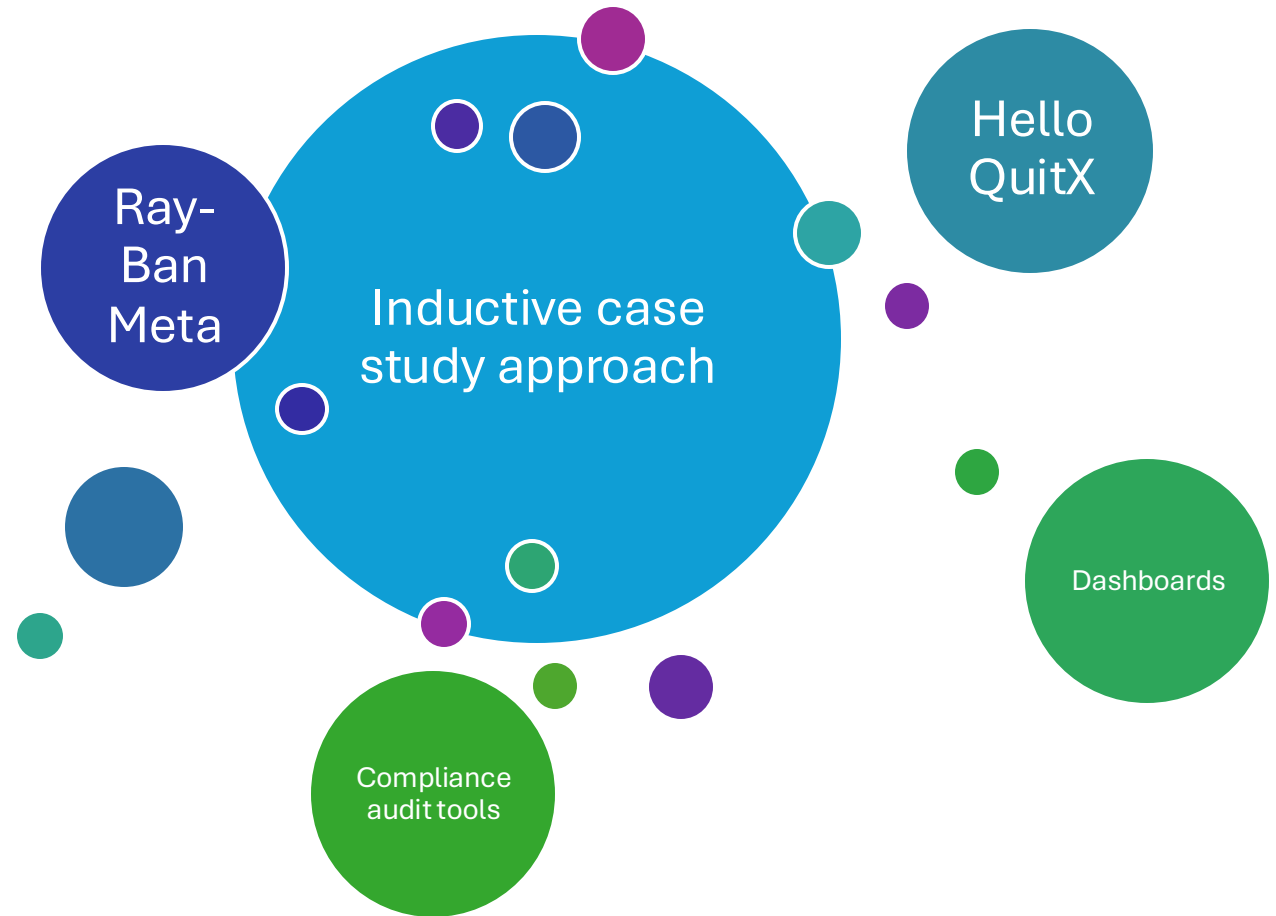
Methods

- How can compliance governance in digital environments be delegated?
- What is behind the creation and features of a tool?

Case law, competition, lack of interoperability, etc.

- How much responsibility do users have in using tools and in respect of the effective exercise of resulting rights?

Empirical studies (+700 participants)



- Can the tools be used to enforce rules by identifying best practices?

Encoding of rules, sources

LED in smart glasses

- An LED light turns on when glasses are recording
- META announced that this ensures privacy
- ❑ Compliance governance is delegated to glasses wearers and to people who may be filmed
- ❖ Consent, right to object to how data are handled
- Tool doesn't resolve the issue of what is recorded, but increases the burden on users to exercise their rights



Assessment grid

