

Mock Exam

1 Scenario

1.1 Confirmation

Rob clearly gave its consent on data processing through these check boxes, to be more specific we are talking about profiling for marketing purposes, which is a legitimate purpose. Since Rob was contacted by different firms selling different products, all product matching with the what Rob searched on the e-commerce website, is possible to say that the e-commerce site process and sold these data. Rob has the right to access his data (art.15 comma 1, subcomma a to c) to understand the purpose of the processing (a), the categories of personal data (b) and the recipient to whom personal data has been and/or will be disclosed. Through this right Rob will understand if it was that e-commerce collect his shopping information(b), for the purpose(a) we discussed before and if all the calls and mails are the consequence of disclosure of data to recipients (c).

1.2 About Consent and processing

Once Rob confirms that the controller behind that e-commerce site is the fire starter of his misadventure, is possible to check the lawfulness of processing (art 6) and the conditions of consent (art 7). The E-commerce site surely will be able to attend art 7. comma 1, thus he will be able to demonstrate that consent freely was given, and that he as a controller respect all the (art 7 comma 2) obligation related consent being "clearly distinguishable", and it was not necessary to complete the purchase, thus merely optional (art 7 comma 5). Otherwise the controller has not a valid consent, it will be illegitimate, as a consequence of these any processing done with the excuse of an consent that is revealed illegitimate, is illegitimate, has to be eliminated, and up to sanctions by European and potentially state Law, both administrative(European and State, but for different offences) and penal(Only state law). Let's say that in our case Rob was impatient and the E-commerce has committed no wrongs, Rob, as a data subject, can withdraw his consent, as easily as it was given, to avoid any further disturb. But these does " not affect the lawfulness of processing based on consent before its withdrawal" (art 7 comma 3). Thus we should check together with Rob if art 6 is respected, and since we establish that consent was freely given the process was lawful. Rob, in this situation, has at his disposal art 21 and art 17. According to art 17 (comma 1 subcomma b) can demand erasure of the his data once he withdraw his consent, and the controller has the obligation to communicate it to recipients and third parties. While according to art 21 Rob can

require a full stop over processing since is direct marketing (comma 3), and limitation to processing is also possible (art 18 comma d), in the meantime of the exam, as a solution.

1.3 DPO

If this is not enough then the DPO has to be contacted. The DPO has as a task to report complaints to the controller, and if they are not listened to, to higher company ranks, to solve data subjects problems. It is mandatory that a controller gives the possibility to contact the DPO.