

Exam, Legal Aspects of Information Security (January 2021)

The following standards apply regarding your answers for the questions:

- Your grade will be influenced by how well your answer is organized, on the micro-level as well as on the macro- level. Clarity is a virtue.
- Where possible, state your sources. When referring to sources, you do not have to put down the full references, but they should be identifiable.
 - Examples: "Article 6 of the GDPR"" Or "the *Smith v. Sweden* case from the European Court of Human Rights is an interesting example of..."
- The word number is limited to 1500 words total and it may be necessary for you to identify the most critical issues and focus your analysis on them. For full credit on the question it is not necessary that all issues are dealt with in detail. You have 24 hours to complete the task.

Question 1:

You are a parent who regularly communicates with your child Hans' preschool via an app called Tya. In particular, you send messages regarding Hans and his absence from school using a free-text field. For example, if Hans has a tummy bug or the chickenpox or even signs of Covid-19, then this type of information can be communicated in the free-text field provided on Tya. There are no technical measures to prevent this from happening, and no information is given within the app that such transmission should be avoided.

On November 1, 2020, you log into Tya and realize that the personal data of your son has been accessed and altered. When you discuss the incident with your friends from the preschool, you realize that their accounts have also been hacked. As it turns out, anyone with either a valid login or anyone who got hold of a guardian's Personal Identification Number (PIN) could access any and all messages across the 20,000 pupils + guardians and teachers who used the Tya system in Stockholm. In other words, unauthorized users could access the application as authorized users and gain access to the personal data of students, parents and teachers.

You work for the Swedish Data Protection Authority (DPA). Decide whether to impose fines on Tya and if so, on what basis.

Question 2:

Swedie is the hottest dating app in Stockholm. Elsa has been using it for a number of years but has stopped recently, having found the love of her life right before her eyes in her master's course. Interested in how Swedie collected and processed her personal data throughout her tumultuous dating years, Elsa made a data subject access request to Swedie. In response to the

request, Swedie returned a staggering 800 pages of data Elsa had herself provided in the course of subscribing to and using the matchmaking service. However, what Elsa's access request did not reveal was the detail of how Swedie was using all that information to personalize her user experience and identify potential matches. When Elsa requested this information, Swedie's response was its "matching tools are a core part of our technology and intellectual property, and we are ultimately unable to share information about these proprietary tools."

You work for the law firm that represents Elsa. Provide a memo describing the legal issues that arise in this scenario for partner in charge of her case.

Question 3:

In 2019, Facebook, which owns WhatsApp and Instagram, announced plans to combine its social media apps into a single messaging service. The project is believed to involve "thousands of Facebook employees" working to merge the apps together. Facebook Messenger, along with Facebook-owned WhatsApp and Instagram, will still exist as standalone apps. But messaging functionality would be shared across them, so users on Instagram could text people on WhatsApp. If the apps are merged together then it will even be possible to message someone on Instagram without ever actually having an Instagram account.

You work as a legal expert at the European Commission. Prepare a memo concerning the various legal concerns raised by this case.