

EXAMINATION QUESTION PAPER - Term paper

GRA 41371

Data Protection and Ethics in the Modern Business Environment

Department of Law and Governance

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No. of attachments files to question paper: 0

To be answered: In groups of 1 - 3 students.

Answer paper size: Maximum 9 pages (about 4500 words excluding references) incl. attachments

Max no. of answer paper attachment files: 1

Allowed answer paper file types: pdf

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Data Protection and Ethics

ACME-Flix is one of the world's largest video streaming platforms. Incorporated in the United States, ACME offers its video streaming services around the world. About 20% of the subscribers come from the European Union or EEA countries.

ACME processes a wide range of data of its users. Names, emails, physical addresses and credit card numbers are stored in users' profile, in order to send invoices to users each month.

In addition, there are comprehensive logs of users' viewing habits: the platform records which movies or shows users see, in which order, and at which time. This is done in order to give users a more personalized viewing experience (for example, recommending comedy shows to people who previously have watched other comedy shows). It also allows ACME to carefully plan which movies it should license in the future, making their offer more attractive to a wide range of users.

Finally, ACME is sending promotional emails to existing users, in order to increase their engagement. For the time being, these emails are related to the content on the platform ("we have a new movie you might like!"), but the marketing department is considering using the emails to promote ACME's new music streaming service as well.

Question 1: How would you ensure that these processing operations comply with the principle of lawfulness (i.e. have a valid legal basis)?

Licensing movies from big studios is getting increasingly more expensive, and ACME decided to start investing in its own movie production. Their hit show, Card of Houses, attracted a substantial number of new users to the platform.

ACME wants to produce a "behind the scenes" TV show, documenting how Card of Houses was filmed. Prior to filming, all actors employed by ACME were asked to sign the following statement: *"I consent to being recorded at all times and at any location for the duration of filming of the show (01.06.2019-01.12.2019). I understand that these records may be released to the general public."*

Question 2: Would you advise ACME to release the show based on this consent? Which alternatives, if any, would you consider?

ACME recently received an email from their customer William E. Coyote, stating: *"I object to your processing of my personal data. I also want you to delete all of my personal data."*

Assume that Coyote has no desire to terminate his membership, and that his personal data is being processed for all purposes described in question 1.

Question 3: How would you handle this request?

ACME recently entered into business talks with Bomino's Pizza, a global chain of fast food restaurants with headquarters in Norway. The companies discussed building a common marketing platform. The system would, in short, work as follows:

1. Bomino's would send ACME email addresses of all of its customers;
2. When the user logs onto ACME-Flix, ACME would check whether the user's email matched one supplied by Bomino's;
3. If the user was a customer of both entities – and happened to be watching more than three episodes of any show at once – ACME would show user a button to purchase Bomino's pizza with one click, at 10% off;
4. User's ACME account would be charged and pizza would be delivered by Bomino's.

Question 4: What kind of data protection agreement would ACME and Bomino's need to enter into prior to the data transfer (if any)? Assuming that step 1 entails data transfer from Norway to USA, would any additional steps need to be taken to ensure the legality of the transfer?

Question 5: Is this processing likely to require a data protection impact assessment? If so, who has the obligation to carry out this assessment?