



# Data Ethics and Protection

## Esame\_20220715\_Part\_1\_In-person



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**Terminato** venerdì, 15 luglio 2022, 15:00

**Tempo impiegato** 45 min.

**Valutazione** 14,00 su un massimo di 15,00 (**93%**)

### Domanda 1

Completo

Punteggio ottenuto 6,50 su 7,50

A company's data center is attacked with ransomware, and the attacker threatens to publish personal data of the company if a ransom of 20 bitcoins is not paid within 24 hours. What are the duties of the data controller? Please provide arguments for your answer, considering risk to the rights and freedom of individuals.

In this case the controller received a **data breach**, in this case the data that are stolen are personal data, so data that can directly or indirectly identify a **natural person**.

We can have different kinds of data breach:

- **Accidentally** : so someone for example sends the data to another person putting the wrong email.
- **Unlawfully**: if someone modifies or deletes some data without authorization (like in this case).

Moreover we can divide it into another three categories:

- **Confidentiality**: someone takes the data without authorization
- **Integrity**: someone modifies the data without authorization
- **Availability**: someone deletes or loses the data without authorization

In case of data breach the company has to communicate the data breach to the competent authorities until **72 Hours** from when the controller finds the breach.

Moreover in case of data breach the company must give a communication to the people involved in which are present:

- How much and which data are taken unlawfully.
- Contact of DPO.

- Which are the consequences of this data breach.
- Which are the measure to fight this data breach.

In this case the company is until the 72 hours so he can wait to communicate the data breach and try to get the data without give a communication.

Nevertheless in this case the data that are stolen are personal data so could be a good idea say to the person that are involved that their data are stolen, because with this data breach someone can identify a natural person so we have problem in rights and freedom, moreover because the thief said that want to publish the data.

The communication is better if show how kind of measures were taken in order to avoid this kind of breach (so if the company has a management risk plan is better, is not mandatory in all case but very suggested), which will be the measures that will take in order to avoid this kind of issue in future, and a possible plan, if one exists, to regain or mitigate the possible impact. This could increase the trust to the company and avoid people ask to delete their data, like in unicredit case.

Commento: In this specific case, what kind of breach we are discussing?

- Confidentiality
- Integrity
- Availability

## Domanda 2

Completo

Punteggio ottenuto 7,50 su 7,50

Please describe the role, tasks, and duties of the data processor.

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**Data processor** is one of the main characters, with:

- **Data subject:** person that are in EU, and owner of his/her data.
- **Data controller:** who have the data and decide the process and take the decisions.
- **Data protection officer (DPO):** who can help in order to find possible issues in the application and help for the DPIA

The data processor role is analyze or conduct part or all the processes on behalf of data controller. We can distinguish between controller and processor because only the controller take the decision, the processor indeed, only, conduct the analysis. In some case controller and processor could be the same entity.

To make a deal between a controller and a processor there must to be a contract in which are present:

- The kind of process to conduct.
- For how many times the process will be conducted.
- Which data use.

The task is provide the security measure for the data that process and the latter must be proportionate to the kind of data involved in the process and process the data following the guidelines provide by the controller and in a lawful manner.

The data processor almost always is not liable for the process, but if it will not respect the guidelines of the controller or it will process in unlawful manner is itself liable. Indeed in this case the controller can ask for a damage.

At the end we can say that exist a sub controller. This figure is useful, for example, to conduct specific tasks and a processor can choose but only after the permission of the controller, because also in this case the controller is liable.

Commento: