



## Data Ethics and Protection

### Esame\_20220207\_Part\_1\_Remote



**Iniziato** lunedì, 7 febbraio 2022, 14:22

**Terminato** lunedì, 7 febbraio 2022, 15:07

**Tempo impiegato** 45 min.

**Valutazione** 12,50 su un massimo di 15,00 (83%)

**Domanda 1**

Completo

Punteggio ottenuto 7,00 su 7,50

The role of the data subject's consent in data protection.

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According to GDPR data subject is a natural person whose data is being processed. The general rule is that since the processing of the personal data may cause negative impact on the society, this processing is allowed only under the legal premises, So as a general rule the data may only be processed only when compliant with rules of GDPR and under the supervision authority.

The GDPR was designed considering the right based approach where the rights of the individuals is considered on a priority basis. In this regard we have protection by default hence any application has to run with minimal data requirements by default. The idea here is to minimize the risk and provide maximum data protection and security on the default level.

The consent of the individual for the processing of data is important and moreover the right to withdraw the consent should be as easy as the consent was given. The natural persons must have also the right to ratification which mean to have wrong data corrected or deleted. With the recent economic developments, Personal data is being used for economic purposes and hence has value, the consent has been exploited as tool to extract this value for the company. There are several categories of personal data including name, ethnicity, race, religious beliefs, sexual orientation etc. All of this data requires maximum level of security due to the fact that this data can be used for discrimination. Consent is a legal ground for processing this kind of data but it comes with a limit in terms of necessity. In other words the importance and the extent of processing such kind of data must be clearly motivated. In short with the recent generation of GDPR, The responsibility is not on the data subject but on the data controller or the processor.

The age of the data subject is important as well, in some member states it is 14 and in some it can be 14 or 15. Nevertheless the consent of the individual remains the top priority according to the GDPR's right based approach

Commento:

## Domanda 2

Completo

Punteggio ottenuto 5,50 su 7,50

A company aims to provide its employers with robotic exoskeletons to support their most stressful tasks. To ensure a perfect fit, the company wants to adopt body-scanning technology, obtain biometric images of each employee and create a tailor-made exoskeleton. What are the challenges related to this project, in relation to data protection, to consider?

The statement does not mention the location of the company, hence we can not be sure if the company is within the territorial scope of GDPR. On the other hand we know that the company is processing biometric data which is personal data and is considered to be a part of the material scope of the GDPR. Having said that, we can examine the possible options the company has regards to the processing of the data. We are not sure about the scale of the company and corresponding to this we can not be sure about the level of risk involved in this case. The company can decide to outsource this project to a third party. In that case the company itself will be considered data controller and the company working on the project shall be the data processor. The location of the data processing company is important and the required security measures are put forward accordingly. If the company working on the exoskeleton is within EU the transfer of data shall have no restrictions according to GDPR. If the company is outside EU, either that country has passed the adequacy level or the country has a bilateral agreement with EU or else the two companies need to sign the contractual clauses. If the same company is assigning the project to one of its subsidiaries, it needs to have the binding corporate agreement signed. Another aspect of this project is related to the security of the individual. The company as a data controller must get the consent of the employees of the company. The withdrawal of the consent should be as easy as the consent was given. Moreover the individual must be informed about the intent and the extent to which the data is being collected which means that the data must be erased after the exoskeleton model has been built. The company is advised to hire a data protection officer to deal with the legal issues that occur during the processing of the data. According to the level of risk, data protection authority may require data protection assessment which is necessary in case of high risk according to GDPR. In case of low risk the company still can show compliance with GDPR through certification.

Commento:

Issues related to the processing of biometric data have not been sufficiently processed