

Collaborative Discussion 3 – Peer Response 1 – Michael Geiger

Thank you Aldo for your very interesting post.

In your case, several articles of the GDPR are addressed at the same time.

Art.15.1.a-d and Art.15.3 are affected at first glance, since they relate to the information about the collected data of the child (GDPR (a), 2022). A suitable rectail here is the right of access (63), since parents fundamentally have a right of access to the information their child has provided (GDPR (b), 2022).

When looking further at the articles in relation to the information provided about the third party, it becomes apparent that several articles are affected at the same time.

With regard to the information provided by the child relating to the third party, Art. 15.1.g applies, since the source of the information must be specified if the third party requests personal data (GDPR (a), 2022) . Furthermore, according to Art.14.1 and Art.14.2, the company has an obligation to inform the third party, since the information was not collected from the person concerned (GDPR (c), 2022). However, in this case the obligation to provide information only applies when the communication is first started (Article 14.3.b), or when there is a request for disclosure to another recipient (Article 14.3.d).

Furthermore, the case study addresses Art.15.4, which refers to the rights and freedoms of other persons. This article stipulates that the information requested from parents must not report on third parties (GDPR (a), 2022).

Based on this consideration, it becomes clear that in certain situations it is not easy for companies to behave in a compliant manner. Even if the company has behaved in a legally compliant manner in this specific case, companies should consider of designating a data protection officer. This is even required in Art.37.1 under certain circumstances (GDPR (d), 2022).

References:

GDPR (a) (2022) Principles Right of access by the data subject. Available from: <https://gdpr.eu/article-15-right-of-access/> [Accessed: 25.01.2022]

GDPR (b) (2022) Rectail 63 – Right of access. Available from: <https://gdpr.eu/Recital-63-Right-of-access/> [Accessed:25.01.2022]

GDPR (c) (2022) Information to be provided where personal data have not been obtained from the data subject. Available from: <https://gdpr.eu/article-14-personal-data-not-obtained-from-data-subject/> [Accessed: 26.01.2022]

GDPR (d) (2022) Designation of the data protection officer. Available from: <https://gdpr.eu/article-37-designation-of-the-data-protection-officer/> [Accessed: 26.01.2022]