

## Test Answers -- Padova, February 8, 2024

### Law & Data

*Here are the correct answers for the multiple-choice questions.*

*We provide a skeleton of the right answers for the open questions.*

1. Please explain the so-called “Barbra Streisand Effect” in no more than 100 words. (up to 6 pts)

*a. A brief summary of the facts of the case*

*b. Description of the Effect: The protection of privacy through legal means can backfire and worsen the situation of the individual.*

*c. Takeaways: I. the Legal protection of privacy can consist in avoiding seeking legal protection; II. The legal vindication of privacy is different—and sometimes opposite—from the social enjoyment of privacy.*

3. Which of the following statements is correct? (2 pts)

a. Freedom of thought is not considered as a human right in most jurisdictions.

b. Freedom of thought is considered as a human right in most jurisdictions but hardly protected in itself.

c. Freedom of thought deserves protection only once the individual shares his thoughts with others.

d. Freedom of thought cannot be affected by AI technologies.

4. Please describe any legal provision included in EU primary law sources setting out the right to personal data protection in max 250 words. (up to 8 pts)

*1. Personal data protection in the TEU, starting from the values of the EU as protected by article 2 TEU and the protection thereof set out in article 3 TEU.*

*2. Personal data protection as set forth by article 16 TFEU.*

*3. The fundamental right to data protection in the Charter of Fundamental Rights (article 8 CFR) and possible reference to article 7 CFR on the right to privacy (and their differences).*

*4. Possible limitations of fundamental rights and, specifically, of the right to data protection in light of the safeguard clause (article 52 CFR) – the balancing of conflicting rights.*

5. Please describe in no more than 250 words the 2020 European Data Strategy conceived by the European Union. (up to 8 pts)

*1. The GDPR that paved the way to the 2020 European Data Strategy*

*2. Aims of the EU Data Strategy: free flow of personal data, free flow of non-personal data, single market for data*

*3. EU Data Strategy Package: Data Governance Act, Digital Services Act, Digital Markets Act, Artificial Intelligence Act, Data Act (a summarized description of their contents).*

6. Which of the following statements is correct? (2 pts)

a. Directives are directly applicable in all Member States as such, whereas regulations need to be implemented by every Member State

b. EU regulations and directives must be directly applied in any of their provisions in all Member States

c. Regulations are directly applicable in all member states as such, whereas directives need to be implemented by every member state

7. The European Data Protection Board is (2 pt):

1. An institution provided for by the Treaty on the European Union

2. An agency of the European Commission with the aim of protecting the fundamental right to data protection
  3. An independent body gathering the national supervisory authorities of each EU member State
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8. The Charter of fundamental rights recognizes the right to privacy and the right to data protection to (1 pt):
    - a. Only individuals with EU citizenship
    - b. All individuals provided that they are in the EU
    - c. Only EU companies
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9. Which of the following are legislative instruments belonging to EU primary law? (1 pt)
    - a. Treaty of the European Union, Treaty on the functioning of the European Union, Case-law of the European Court of Justice
    - b. Treaty of the European Union, Treaty on the Functioning of the European Union, Charter of Fundamental Rights of the European Union
    - c. Charter of fundamental rights of the European Union, Regulations, Case-law of the European Court of Justice