

Reexam, Legal Aspects of Information Security

Wednesday 2022-02-16 (10am)

The following standards apply regarding your answers for the questions:

- Your grade will be influenced by how well your answer is organized, on the micro-level as well as on the macro-level. Clarity is a virtue.
- Where possible, state your sources. When referring to sources, you do not have to put down the full references, but they should be identifiable.
 - Examples: "Article 6 of the GDPR..." or "the *Smith v. Sweden* case from the European Court of Human Rights is an interesting example of..."
- Time is scarce and it may be necessary for you to first try to identify the most pressing issues to be dealt with. For full credit on the question, it is not necessary that all issues are dealt with in detail.

The following grading scale is used: Fail (F, FX)(below 50 points), Sufficient (E)(50-59 points), Satisfactory (D)(60-69), Good (C)(70-79 points), Very Good (B)(80-89 points), and Excellent (A)(90-100 points).

Students will be graded on the basis of facts, focus and form as follows:

- Facts - ability to demonstrate knowledge of the issue(s).
- Focus - ability to analyze the issue(s).
- Form - ability to present a well-structured and formulated answer.

You have 24 hours to complete the exam and the word count is limited to 2000. Because of the word-count limitation, it is not possible to upload a PDF.

Question 1 (25 points):

The National Center of Addiction Medicine is an NGO that operates a detoxification clinic and four inpatient and outpatient rehabilitation centers, as well as a center for family services and a social center in Sweden. Its services are delivered by a staff of medical doctors, psychologists, registered nurses, nurse practitioners and licensed counselors.

On October 1, 2021, a former employee of the National Center of Addiction Medicine received boxes containing what were supposed to be personal belongings that he had left there. However, it turned out that the boxes contained patient data as well, including health records of 252 former patients and records containing the names of approximately 3,000 people who had attended rehabilitation for alcohol and substance abuse.

You work for the Swedish Authority for Privacy Protection (IMY). Decide whether to impose fines and if so, on what basis.

Question 2 (25 points):

Apple's "Face ID" technology collects biometrics by shining and measuring more than 30,000 indivisible infrared dots onto a user's face. Face ID then constructs a dot map of a user's face, which is then fed into a trained neural network (i.e., a type of AI model) to create a unique "fingerprint" that may then be used to unlock the user's phone, authorize a purchase, etc. The use of this type of technology raises data protection, intellectual property, and information security concerns. Prepare a memo discussing the major legal issues.

Question 3 (25 points):

There is a relationship between data, market power and privacy. Provide arguments for *or* against this position.

Question 4 (25 points):

System Risk Indicator (SRI) was created by the Swedish Ministry of Social Affairs in 2020 to identify people deemed to be at high risk of committing benefit fraud. Legislation passed by the Swedish parliament allowed the system to compile 17 categories of government data, including tax records, land registry files, and vehicle registrations. Four cities used the tool, in each case pointing it only at specific neighborhoods with high numbers of low-income and immigrant residents. The Swedish government said SRI was necessary to help fight fraud. Civil society groups suspicious of the project began investigating the tool and talking with residents where it was used. Many were shocked to hear their neighborhoods were being targeted, and grassroots complaints began to grow. A case has now been lodged in the Stockholm District Court ("Stockholms tingsrätt") where the Center for Justice contends that the Court should limit the Swedish government's use of AI and algorithms on citizens.

You work as a law clerk at the Stockholm District Court. Prepare a memo discussing the legal issues involved in this case.