

Exercise 1 - Privacy and Data Protection

Valid Consent?

Find a service you use to which you have given consent for the processing of your personal data (Art 6 (1) a) GDPR). Have a look at the privacy notices, policies, or settings of this service. Are the basic legal conditions for this consent in your opinion in line with the new requirements and conditions set by the GDPR? You should provide an answer with justification based on the GDPR, where you refer to specific articles and paragraphs.

I will use **Telegram** as my example for the exercise. This is its [privacy policy](#). As explained in [this webpage](#) and relating those conditions to the specific articles of the document we have to see that:

- **Consent must be freely given (Recital 42)** → when you create an account you are asked to accept their privacy policy. You are not given the opportunity to accept or decline which data they use separately but its privacy policy says “*We only store the data that Telegram needs to function as a secure and feature-rich messaging service.*”
- **Consent must be specific (Article 7 (2))** → as said in the previous point you must give access to all the data they want to use the app but they explain what they’re going to do with each data processing operation.
- **Consent must be informed (Article 7 (3))** → everything is informed in the privacy policy page in a plain understandable language.
- **Consent must be unambiguous (Recital 32)** → you give specific consent by ticking a box when creating an account.
- **Consent can be revoked (Article 7 (3))** → you can revoke your consent by deleting your account. You won’t be able to use the app as it needs your consent and data to work.

Your Right to Access your Personal Data

You have the right to know if personal data about you is processed by a controller. You also have the right to get access to, for example, the processing purposes, the data categories, data transfers, and duration of storage.

Find the relevant parts in GDPR and study your rights as a “data subject”.

File a right to access -request with a data processing service of your choosing. Describe the mechanism that is put in place by the service to enable you to exercise this right (if any).

Whether you get a response or not, think about how well your rights as a data subject are respected in practice. Your answer should again refer to specific articles and paragraphs of the GDPR.

The relevant parts about data subject's rights appear in chapter 3 (art 12-23 GDPR). I will relate some of these articles to the results I get from Telegram.

In Telegram's privacy policy your rights appear [here](#). To access your data you contact @GDPRbot and then type /access command. There it explains that you can get your data from Telegram Desktop and choose which specific data you'd like to download. After doing it I can confirm it's an easy process but you can't use your phone to get it (as you have to have downloaded Telegram Desktop) which would have been easier. Then it is presented as a readable HTML (or a json file if you prefer so).

Then relating this to the specific rights we have:

- **The data subject's right of access (art 15 GDPR) and right of portability (art 20 GDPR)** → you can request a copy of the data they store in a json or HTML format with the procedure explained before.
- **The data subject's right to rectification (art 16 GDPR), right to erasure or right to be forgotten (art 17 GDPR) and right to restriction of processing (art 18 GDPR)** → you can change your data or delete your account from the configuration.

So, in general, I think our rights are well respected.

Anonymisation & Pseudonymisation

What is the difference between anonymisation and pseudonymisation of personal data?

Anonymous data: the person is no longer identifiable (then GDPR doesn't apply). So it is unrecognisable, even to the data owner and can't be re-identified.

Pseudonymous data: data can no longer be attributed to a specific data subject without the use of additional information (a key). So it's still personal data but you need this key to re-identify it.