

EXAM PREPARATION

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Law & Data 2020-2021

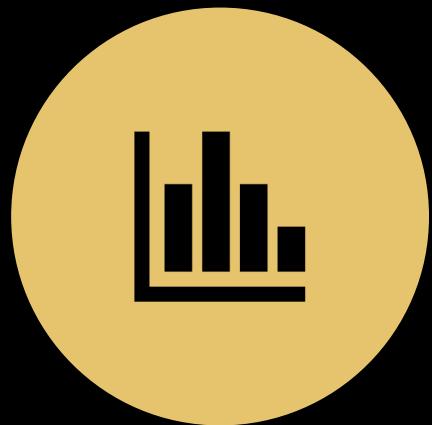


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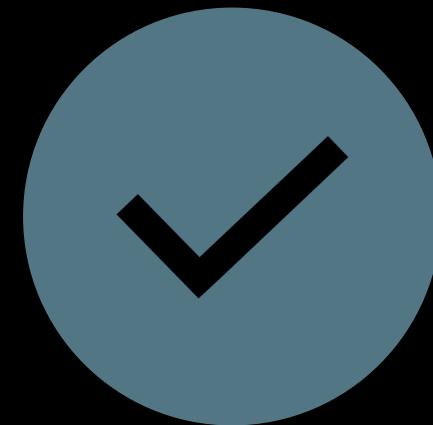


DIPARTIMENTO
MATEMATICA

INA NUTSHELL



METHODOLOGY



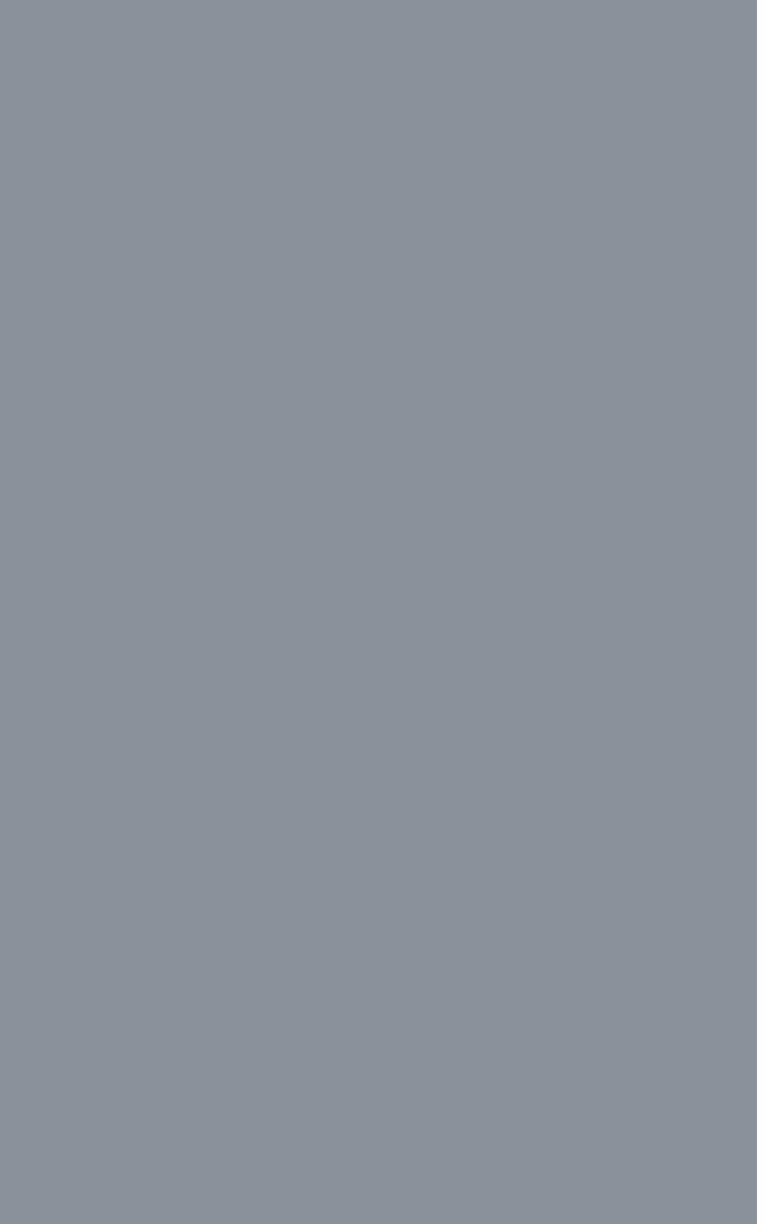
EXAM SIMULATION –
CORRECTION



EXERCISES



METHODOLOGY





QUESTION

Alice is a young and talented digital entrepreneur. Recently she launched a new app for dating. The service assures a perfect matching based on a detailed and tailored profile of each user.

After a few months, Alice comes to know that there are some denigratory posts about her and her business. In particular, some anonymous users in their comments report that Alice has a pending case for unlawful processing of personal data. Nevertheless, official documentation obtained by the competent local Court proves that this information is entirely false and unfounded.

These comments have very detrimental effects on Alice's professional reputation.

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- **Which is/are the right/s that she can exercise to protect her interests?**

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TERRITORIAL SCOPE

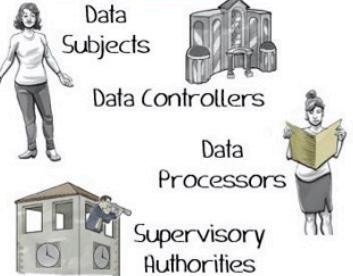


EU Establishments

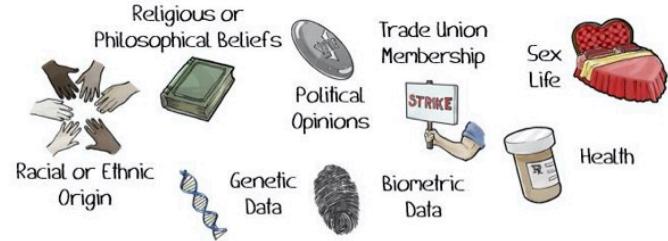
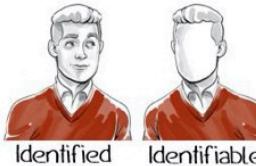
Non-EU Established Organizations

Offer goods or services or engaging in monitoring within the EU.

THE PLAYERS



PERSONAL DATA



SENSITIVE DATA

LAWFUL PROCESSING

Collection and processing of personal data must be for "specified, explicit and legitimate purposes" – with consent of data subject or necessary for:

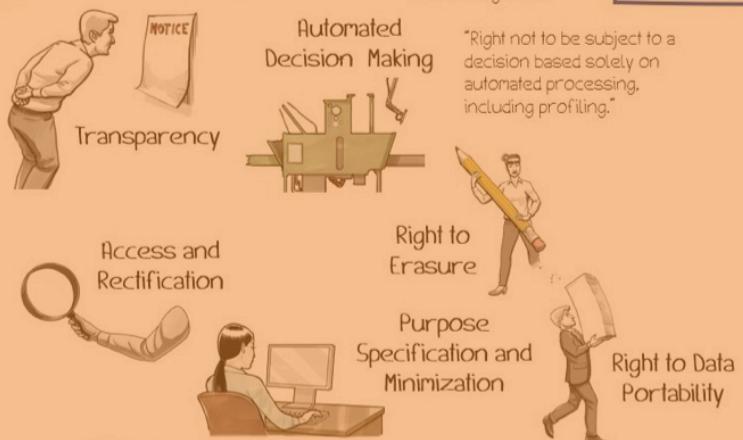
- performance of a contract
- compliance with a legal obligation
- to protect a person's vital interests
- task in the public interest
- legitimate interests

CONSENT



Consent must be freely given, specific, informed, and unambiguous.

RIGHTS OF DATA SUBJECTS



GDPR

ENFORCEMENT



Fines
Up to 20 million euros or 4% of total annual worldwide turnover. Less serious violations: Up to 10 million euros or 2% of total annual worldwide turnover.



Effective Judicial Remedies:
compensation for material and non-material harm.



INTERNATIONAL DATA TRANSFER



Adequate Level of Data Protection



Binding Corporate Rules (BCRs)



Model Contractual Clauses

RIGHTS OF DATA SUBJECTS

Consent must be freely given, specific, informed, and unambiguous.



Transparency

Automated Decision Making



"Right not to be subject to a decision based solely on automated processing, including profiling."



Right to Erasure



Access and Rectification



Purpose Specification and Minimization



Right to Data Portability

Data & Fundamental Rights

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RISK
IN EU DATA
PROTECTION
LAW

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Controllers & Processors

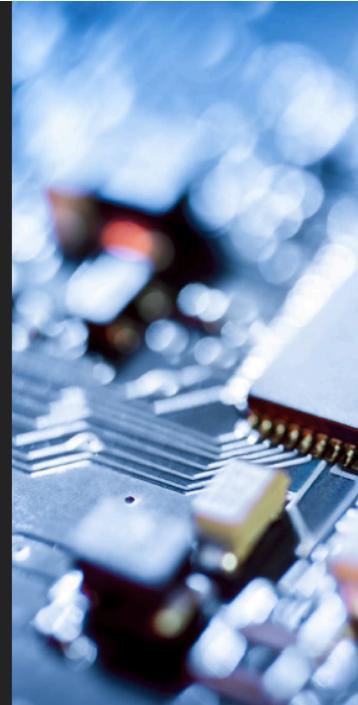
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Data Rights in the GDPR

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The Legal Bases of the Processing of Personal Data

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The Data Subject

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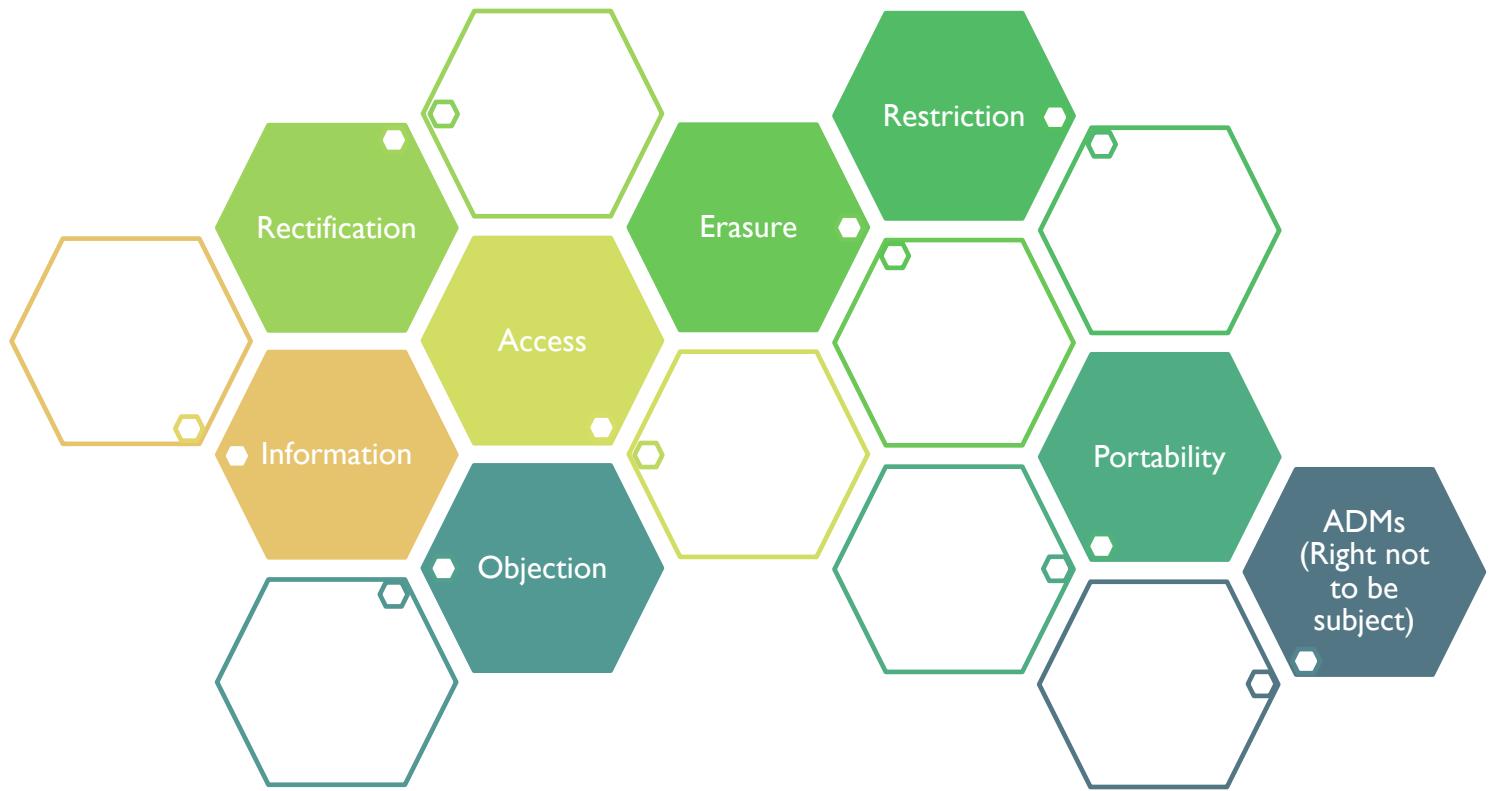


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DATA SUBJECT'S RIGHTS



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QUESTION NO. 2

Bob is a developer and works for a new social network. In the occasion of the local elections, Bob proposes to launch a new tool for providing users with relevant information about the candidates in their districts. Additionally, this service during the election days invites the users to vote and to repost a badge "I voted" once they did it.

To do this, Bob needs to collect and use the following category of data: age, location, history and time spent on the available contents. The primary purpose of the processing is to infer the users' preferences (political and non) to provide them with more tailored news

Consider the nature of the information Bob aims to collect and the purpose of the processing.

- **How should these categories of data be qualified according to the GDPR?**

EXAM SIMULATION

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QUESTION NO. 3

Alice and Bod are the co-president of a local volunteering association. As usual, this organization has an official website, where the volunteers can sing in and create a personal profile. Since this involved the processing of personal data, Bob and Alice are appointed as controllers according to the GDPR.

Projecting the website, the former presidents adopted specific measures of protection, choosing a CMS (Content Management System) that fully satisfies the requirements provided by law. However, a few months ago, the producer of this system announced the imminent End of Life of this system. The company further added it ceased the distribution of the security updates since the next month.

Consider the position of Bob and Alice as controllers of the processing of personal data.

- **What should they do to be compliant with the obligations provided by the GDPR?**

NEW
QUESTIONS



NEW QUESTION

Bob is a goldsmith and has a beautiful store in the city centre of Padua. Recently he has read in the local newspaper about some thefts, especially against luxury goods stores.

Bob decides to install CCTV cameras in his store. The devices record 24H and keep the recordings for 15 days.

- **Given Bob's position, what should he do to ensure transparency in the processing of the data he collects?**

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- Given Bob's position, what should he do to ensure transparency in the processing of the data he collects?
- **Does its processing respect the fundamental principles of data protection?**

NEW QUESTION

To contrast the spread of the Covid-19, the Company Alpha decided to install some new termoscanners at the entrances of its buildings.

The device has an infrared thermometer and a screen equipped with a camera. Once the person is framed, the system allows for temperature detection and control over the correct use of the masks. The instrument does not record any data, but only signals with a red light and an alarm people who do not respect the rules.

- **Given the situation, what is the legal basis for this treatment?**

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- Given the situation, what is the legal basis for this treatment?
- How can we qualify the data processed in this way?
- **What is Alpha company required to do to comply with the requirements of privacy by design and by default?**