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> SCP7079399 - LAW AND DATA 2021-2022 - PROF. ELISA SPILLER

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ilutato

Why function of the Personal Data Protection Authorities?

at the national level and define policies and guidelines for a better application of national



the GDPR at the national level with unlimited powers before the other national authorities and

at the national level and handle the complaints lodged against the violations of the GDPR

national level and handle the complaints lodged against the violations of the GDPR

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and scope of the Court of Justice of the European Union?

generally are not binding and cover all the EU law excluded data protection law

are binding for the EU institutions, member states and EU citizens, but they cannot cover EU

are binding and cover all the EU law

binding and cover all the EU law

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ing statements best describes the scope of the right to

as the right to obtain a copy of all the personal data concerning his/her personal data

right to obtain from the controller confirmation about the processing operations concerning

as the right to obtain information about the processing operations concerning her/his personal

obtain from the controller confirmation about the processing operations concerning her/his

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What is a DPIA?

performed by the controller only at the beginning of a processing activity to estimate all related risks according to the GDPR, this is mandatory for any processing operation

performed by the controller at the beginning of a processing activity and then periodically to identify the data subjects; according to the GDPR is mandatory for processing operations that are likely to result in a high risk or uncertainty

performed by the controller at the beginning of a processing activity and then periodically to identify its business needs, and, according to the GDPR, this is mandatory for any processing operation

performed by the controller at the beginning of a processing activity and then periodically to estimate the risks according to the GDPR is mandatory for processing operations that are likely to result in a high risk or uncertainty

Which categories of data subjects fall outside the scope of the GDPR?

minors under 16 years old

mentally disabled individuals

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ctions of EU institutions about the use of facial recognition the following statements is more correct:

ies raised by some national judges, facial recognition technologies are now under the careful
ions

ness and the risks for the rights and freedoms of data subjects, facial recognition
ely banned in all the EU jurisdiction

ness and the risks for the rights and freedoms of data subjects and the perplexities raised by
stitutions at the moment suggest limiting the use of facial recognition technologies

I the risks for the rights and freedoms of data subjects and the perplexities raised by some
the moment suggest limiting the use of facial recognition technologies

otocols, the security department of ZeroRisks Corporation has adopted strict control policies for
js. In particular, all the visitors not only have to fulfil the dedicated form with their identification
w their immunisation certificate and report the data there contained in the just mentioned form.
oRisks Corporation without any specific data retention period. *If you focus on the fundamental
according to the GDPR), what are the problematic aspects of this policy? (focus on one or two*

*stored by ZeroRisks Corporation without any specific data retention period is violating "**storage**
re of data protection law (according to the GDPR). Moreover, It is kept in a form which permits
no longer than is necessary for the purposes for which the personal data are processed.*

*; violating another fundamental principle of data protection which is "**integrity and
cessing data in a manner that is not ensuring the appropriateness of security of the personal
unauthorized or unlawful processing and against accidental loss, destruction or damage ,using
tional measures.***

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Company Corporation launched a new corporate welfare program for all its employees. To download the app of a new business partner, WeCare Inc. Once you register and obtain all the data concerning your health and wellbeing, and the app will provide you with a series of points. *Considering the categories of data at issue, what are the problematic aspects of this policy?*

The static aspect of this policy is that it is violating Recital 26 GDPR according to which if a natural person's data is processed, the controller must ensure that the processing is lawful, fair and transparent. This means that all the means reasonably likely to be used either by the controller or by another person directly or indirectly. And in this case WeCare Inc application is storing employees' data concerning health which is also an indirect way of assessing natural person due to which it is problematic.

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re studied, how is EU data protection law trying to address the problems presented by the of view about state of the art (e.g., unsolved issues, insufficient guarantees, the necessity on of the traditional ones)?

hm attempts to make school choice fairer

watch.org

ive enough capacity for all students who want to go there. In the Flemish part of the country, the hm to assign places in schools, in the hope of giving every student the same chances.

the choice of school, but in recent years this has met its limits. Some schools are more popular re limited, this is a problem if too many parents want to enroll their children in the same school. Is, parents were spending several nights, sometimes up to a week, in tents outside theirould be the first to enroll their children, because the rule was "First come, first served". In bigger tent, and Antwerp, you could see such a long line of parents camping in tents.

ation: not every parent can take a week off from work to get their children in their preferred on't have this opportunity to enroll their children in schools that they like less, such as a schoolool that has a lesser reputation.

gn each student to a school using an algorithm. But it is not obvious to everybody whether that Jyckere, an educator at Artevelde University College, Ghent and a postdoctoral researcher at ind camping in front of schools the fairest option because they can do something, while you ithm or a lottery. Others prefer an algorithm or a lottery for the same reason: no one can have

on, the Flemish government implemented a mandatory central online system for regions or n in their schools. This system uses an algorithm that decides in which school a child can enroll. ticket' to the school, and she or he can then enroll in the school by using this ticket. This practice a school does not use the central online system, it cannot refuse a student; if it uses the system,

y assign students to a school in a fair way? According to Bart Mesuere, a postdoctoral researcher on at Ghent University, one evident prerequisite for a school enrollment algorithm is that it : possible to a school of their highest possible preference. On the other hand, the system should sible, meaning that the number of children that cannot enroll in any school in their list of choices

ement: children (or their parents) shouldn't be able to 'game' the system with a clever strategy. lly strategy- neutral. For instance, if the algorithm was programmed to avoid solutions where a ferred schools, someone who puts just one school on his list would benefit. That's not OK."

nbers from the city of Ghent's use of the system. In 2018, their central school registration system lary schools. The city encouraged people to choose multiple preferred schools, and 720 pupils ol. Some children were not in these figures: children who have a brother or sister in their school ; in their school of preference automatically get a ticket for the school.

Ghent, but the rules didn't allow for exchanging tickets. This was a sensible rule: the whole point was to make the system fairer, but if students could exchange tickets this would give a strong social network.

anges were possible and thus could improve the number of students assigned to their school of n could be improved without any disadvantages: the algorithm could automatically find these children with the other's preferred school and exchange the tickets before the results would be tic exchanges were added to the algorithm, and the results were indeed better.



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chool choice: social segregation. In some neighborhoods, there are schools with more schools with more students of a privileged social background.

to lessen the social segregation by making classes more heterogeneous. The government "double quota": schools should delineate free places in two groups, one for disadvantaged students his social correction should lead to a more diverse social mix.

Students are considered disadvantaged if their mother has not completed secondary school or if they do not receive a bursary. Each school must have a given percentage of disadvantaged children, which they draw from a pool of students from a district. The school's available places are assigned independently to disadvantaged students. Only when all children of a group are assigned a place, and if the school still has free places, are students of the other group allowed to take these places.

Some privileged parents felt discriminated against, while others found that freedom of choice of an better social mix. This controversy resulted in a political compromise. In an agreement on 7 government decided that elementary schools would keep the double quota, but secondary schools

is. First, for each school in their list of preferred schools, students receive a random rank. After list of students, numbered from low (they get the place) to high (they only get a place in the . The school gives as many tickets to students as there are available places.

more than one school, she keeps only the ticket for her first school of preference. She will lose which means that these schools now have an extra free ticket that they assign to the next

; with multiple tickets, there is another step: optimization. This is done by exchanging tickets other's better choice. A similar optimization happens on the waiting list, to prevent students a school of each other's higher preference.

indicated to the parents, together with the place on the waiting list of their higher choices. With their school.

orithm that Ghent and Antwerp are using seems to work fine, but there are always other alternatives aren't perfect either. It's just a matter of weighing pros and cons, and this is a strategy- neutrality is holy, while others prefer the best possible result for each student."

the central online system for schools was revoked and the Flemish government is working on a fix. It's been pointed out that the current situation could lead to problems: "Because there's no legal requirement to use the system, while others won't."

nce is not always ‘just’ a preference, especially in secondary schools. Mr. De Bruyckere gives an
ne school where you can study sports, more specifically football. If a talented student who wants
t get the first choice, he or she can’t pursue this dream.”

to draw a line some- where, and this is a political choice too: "Most people will understand the
se a sports school, but what about other schools that are the only ones with a specific field of
I in your neighborhood with maths/sciences/ informatics if your dream is to become a scientist?
own with a specific learning method?"

Now this algorithm will have inconsistent results according to the selection and assignment criteria its should be given right to claim for the right to access the algorithm which underlie the m in order to make results transparent and consistent as per EU data protection
AI systems therefore this algorithm should be accompanied by relevant documentation and ncise and clear information, including in relation to possible risks to fundamental rights and ? for the parents to evaluate output in advance in order to follow EU data protection rights of

is algorithm is strategically-neutral, because it has one big issue: one child could get the first latter also received the first choice of the former. In my view it's solution seemed simple: both

they would be happier then.

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