

GDPR Example Exam Question

Lisa is an avid video games player and loves to play online for hours on end. She came across a gaming website, Kanga, that will give her access to many online games and ability to play up to 100 different components. Excited by the prospect, Lisa signs herself up. During the sign up process, Lisa must complete a form that asks for some personal information, such as email address, phone number, postal address, and date of birth. The form she fills in only asks for this information and there is no additional fields or check boxes.

An employee of the gaming company, Alex, is processing the data on users. Another company working closely with Kanga would like to contact all of the users signed up to Kanga to give them free access to their separate website. Alex sends them a list of email addresses so users can be contacted directly by the other company.

While looking at the data, Alex gets curious about why certain pieces of information are held about users and why it was so easy for him to access. Alex asks senior management for documentation about the data but is told there is no such documentation as the person who set up the database has now left the company.

Since signing up for Kanga, Lisa has been sent marketing emails from a company she did not share her email address with previously. She suspects that Kanga have shared her email address and possibly more information. She contacts Kanga and requests documentation about what information is being held about her.

Lisa is responded to after 2 months of waiting for a reply and notices that she is recorded in the Kanga database as male. She is not happy with the slow response and inaccuracy of the company's data. She quits the game and wants her data to be removed from their databases. She asks for her data to be deleted and if that is not possible for it at least to be corrected. It is unfortunately a busy time of year for employees at Kanga and she does not receive a response and her data remains in the database.

Question: Write a detailed report on what you think are the issues relating to protection of users' privacy in the above scenario. [25 marks]

Answer:

The main issues incurred in the scenario are as follows:

- 1. Consent — Companies must obtain clear consent from the user before collecting, storing or distributing their data. Kanga did not ask for users' consent before collecting, storing and distributing the data.*
- 2. Documentation — If holding an individual's information, companies must keep detailed documentation about what data is being held, where it came from, how it was accessed, how it's being processed and the purpose of holding the data. Kanga did not keep detailed documentation about the data being held about users.*
- 3. Access to Information — Users have the right to request the clear and detailed documentation of what's being held in a company's database. Companies need to be able to provide all of this information within a 30-day window. Kanga did not respond within 30 days for Lisa's request to access her data.*
- 4. Data Erasure — Data subjects have the right to request that companies remove their personal data from their databases. Once erasure is requested, the company must comply and provide documentation that the data has been removed. The company ignored Lisa's request to erase her data.*
- 5. Data Changes — Users can request that inaccurate stored information be adjusted and corrected. Kanga did not correct her data.*