

1. Yes legal framework (GDPR art 22 and Fair Examination code ) can be stretched to this case.

In Case 1: Under GDPR art 22 participant has the right to not be judged solely on automated process but it won't apply in case:

Participant has expressly consented to be judged by automated process. So in case of before Registering for the course; participant/student to consented to be assessed by LAMS; participant no longer would have the right to invoke his GDPR Art 22 right.

In case 2: Fair education code can be extended. Accordingly once student has submitted his exam (in this case to LAMS) he no longer has the right to take it back and appeal to be judged in different way.

While GDPR Art 22 can also be somewhat extended to this case and participant seems to have been judged solely on the basis of automated system. There is clash of legal frame works in this case.

2. Ethically all participants should be judged in same manner in as objectively uniform process for all the participants as is possible.

Legally, participant 1 invoked his GDPR art 22 right and thus earned a legal way to be judged in a different manner than other participants.

To mitigate such a situation in future: all participants should be given express option to choose LAMS automated system or direct oral examinations and they should be then bound by their express consent to accept whatever grade they earn.

3. Consequences can be:

Students not taking LAMS serious enough and not participating in LAMS seminars etc since they they can always invoke their right to be judged by human and not LAMS.

Also since a student can expect to secure higher grade with individual oral examination; LAMS will be preferred by fewer participants.