pre-exam session

20 November 2019

Prof. G.J. Zwenne

Exam Internet Privacy and EU Data Protection

- **written exam:** 27 November 2019, 9.00h-12.00h, **Room C006** (50% of the total grade)
- **written assignment (annotation):** due 4 December 2019, 23.59h (50% of the total grade): please upload your work to blackboard
- grades published before the holidays, if possible, or **January 10** at the latest
- **exam review session**: January 13, after 13:30
- **retakes**: January 20

The Exam

- every answer on a new page
- 3 hours (after 1 hour you may leave)

- Is an IP-address personal data? Why (not)? *[15 points]*

- What are ‘special data’ and what are the rules for such data? Why does EU DP-law have specific rules for these data? *[10 points]*

- What did the Court of Justice of the EU decide on applicability in its Google Spain Decision? *[15 points]*

- In a statement, a member of parliament suggests that the aplicability of data protection rules implies that the data subject’s (unambiguous) consent is always required. Is that correct? Why (not)? *[15 points]*

Art. 8 of the European Convention on the Protection of Human Rights (ECHR) defines the fundamental right to the protection of privacy.

The text of the Article covers intimate life, family life and correspondence, but not the so-called informational dimension of privacy (as defined by inter alia Westin).

- What, according to Westin, is the informational dimension of privacy? *[5 points]*
- Why did article 8 ECHR not cover this informational dimension? *[6 points]*

- In the 1st seminar (14 October 2015) professor Zwenne distinguished four dimensions of privacy. What three other dimensions (other than the informational dimension) were discussed? Please give an example of each *[9 points]*
- With respect to privacy and data protection law legislators aim to make technology-neutral rules. What is the reason for that? Please explain using a real-life example *[5 points]*

Diets4All B.V. is a Dutch company, specializing in weight loss products, such as low-calorie candy bars and healthy vegetable drinks.

The company is in very bad weather and faces bankruptcy.

In view of this, the company decides to 'commercialize' its customer data, i.e. the company intends to sell the personal data of its customers to Black Sheep Health Care Insurance N.V. (hereinafter: "**BSHCI**"), a health care insurance company.

BSHCI wants to use the data to create profiles on the individuals that are covered by its health insurance policies. These profiles could be used to provide dietary advice to specific individuals in order to reduce obesity-related claims.

What can you say about intended provision of the personal data by Diets4All to BSHCI:

- in view of requirements of article 7(1) of the DPD and 6(1) GDPR? *[15 points]*
- In view of the principles of purpose specification and purpose limitation? *[10 points]*

Good Luck!!!