

**Data Protection Law**

Please fill out this form (in print):

\_\_\_\_\_

(surname)

\_\_\_\_\_

(first name)

\_\_\_\_\_

(matr.-nr.)

degree programm: \_\_\_\_\_ master  bachelor

**information on the processing of personal data:**

Based on § 6 BerlHG (and Art. 6 GDPR) your grade and the points achieved by you in this exam combined with your matriculation number and the initial letter of your surname will be uploaded and published until 30.09.2020 in the ISIS course "Data Protection Law SoSe 20" and published in the glass box opposite to room H-5112. This personal data can also be viewed (and being downloaded) by others.

You have a right of object. To exercise your right of objection, please send an e-mail to [katrin.jux@tu-berlin.de](mailto:katrin.jux@tu-berlin.de). In any case, you can receive information about your grade and the points you have achieved personally at one of the examination inspections or through Qispos.

**Important information:** Describe only the front sides of the sheets of the working paper and leave at least 1/3 of each page free as a correction margin. This task sheet consists of **two pages**. The task sheet must be submitted together with the written text on the working paper.

Pay attention to **legible writing** and **formulate whole sentences** (!). Otherwise the note will be deducted. All tasks and questions are to be processed and answered. Please refer to the respective point specifications for the weighting. Legal aids: legal texts and collections of laws, which correspond to the notified "regulations on legal texts". The exam takes **90 minutes** to complete. A total of **30 points** can be scored. Please write the **number of the room and your place** on the working paper.

**Task - legal assessment of a case:** For the following facts, please prepare a written, legal assessment in the style of an expert opinion. Concentrate on answering the questions. Within the framework of your expert opinion, all legal questions which are important for the decision taken must be dealt with in detail. It must be held that the facts described in the „facts of the case“ are common ground between the parties.

### **Facts of the case:**

PimEyes (PimEyes sp. z o. o.) (hereinafter 'PimEyes'), a company established in Wroclaw (Poland), has for several months been offering an internet search engine for photographs of faces on the 'World Wide Web'. On the site "www.pimeyes.com", which is available in Chinese, English and Polish, users can upload photos showing a face (face-photos). Using modern technologies (including artificial intelligence), the system searches for websites on the Internet that contain one or more photos showing the face of the same (or a similar) person. The photos found are displayed as search results.

Before a search can be carried out, the user must confirm the following statements, by actively placing a check mark:

„I accept the Terms and conditions“ (With a link to the general terms and conditions)

„Having read the Privacy Policy, I agree to the processing of my biometric data in the form of a face photo in order to search the Internet for photos containing my face – to check on which website pages my image is used“ (With a link to the „Privacy Policy“)

„I confirm that it is me in the uploaded photo“

The search engine is financed through the selling of premium accounts.

(„sp. z o.o.“ ist he abbreviation of the legal title of a limited liability company in Poland.)

### **Questions:**

Create, formulate and write down a legal opinion to the questions:

- a) whether the described processing falls into the scope of the GDPR (**10 points**),
- b) which natural person, legal person or other entity is (joint) controller (**8 points**),
- c) and whether the principle of lawfulness is fulfilled (**12 points**).