

**Data Protection Law**

Please fill out this form (in print):		
_____	_____	_____
(surname)	(first name)	(matr.-nr.)
degree programm: _____		

**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. 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.

**Task 1 - 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 are common ground between the parties.

**Facts of the case:** *(Based on the judgement of the ECJ, judgement of 10th July 2018, C-25/17)*

In the judgment C-25/17 the European Court of Justice (ECJ) described the following case (ECJ, judgement of 10th July 2018, C-25/17):

„(T)he members of the Jehovah’s Witnesses Community take notes in the course of their door-to-door preaching about visits to persons who are unknown to themselves or that Community. The data collected may consist, among other things, of the name and addresses of persons contacted, together with information concerning their religious beliefs and their family circumstances. Those data are collected as a memory aid and in order to be retrieved for any subsequent visit without the knowledge or consent of the persons concerned.“ (European Court of Justice (ECJ), judgement of 10th July 2018, C-25/17, para. 15)

„The (...) Jehovah’s Witnesses Community has given its members guidelines on the taking of such notes which appear in at least one of its magazines which is dedicated to preaching. That community and its congregations organise and coordinate the door-to-door preaching by their members, in particular by creating maps from which areas are allocated between the members who engage in preaching and by keeping records about preachers and the number of the Community’s publications distributed by them. Furthermore, the congregations of the Jehovah’s Witnesses Community maintain a list of persons who have requested not to receive visits from preachers and the personal data on that list, called the ‘refusal register’, are used by members of that community. Lastly, the Jehovah’s Witnesses Community has, in the past, made forms available to its members for the purpose of collecting those data in the course of their preaching. However, the use of those forms was abandoned following a recommendation by the Data Protection Supervisor.“ (European Court of Justice (ECJ), judgement of 10th July 2018, C-25/17, para. 16)

„(A)ccording to information from the Jehovah’s Witnesses Community, it does not require members who engage in preaching to collect data, and that in cases in which such data has been collected it has no knowledge of either the nature of the notes taken which are, moreover, only informal personal notes nor of the identity of the preachers who collected those data.“ (European Court of Justice (ECJ), judgement of 10th July 2018, C-25/17, para. 17)

### **Questions (18 points):**

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

whether the scope of the GDPR is opened,

whether the Jehovah’s Witnesses Community is controller of the described processing in the sense of GDPR,

and whether the principle of lawfulness is fulfilled.

### **Task 2 (12 points):**

Evaluate, whether the following information is „personal data“ to the specified entities.

1) The 20 year old person X visited the Website „www.tu-berlin.de“ on Sunday (14.07.2019) from 14:30 - 14:34 via the dynamic IP-adress: 130.149.222.211. X entered the term „exam stress“ in the search field.

Entity 1: Internet Service Provider (P) who assigned the IP address at the time.

Entity 2: Technische Universität Berlin (TUB)

2) Following unique information about the living person Y: colour of eyes: brown; income: > 8.500 per month; living in a memberstate of the European Union (EU); profession: carpenter; member of facebook, twitter and researchgate; suffering from hepatitis C.

Entity 1: Facebook (Facebook Ireland Limited, 4 Grand Canal Square, Dublin 2, Irland).