

Data Protection Law

Please fill out this form (in print):

(surname)

(first name)

(matr.-nr.)

degree programm: _____

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 31.04.2020 in the ISIS course "Data Protection Law WiSe 19/20" 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 m.haase@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.

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 of the case“ are common ground between the parties.

Facts of the case: *(Based on a judgement of the Verwaltungsgericht Köln, 13 K 6093/15)*

Alice and Bob are living and working in Berlin. Together they operate the Web portal www.fahrerbewertung.de. This portal is a free assessment portal for drivers. According to Alice and Bob, the purpose of their portal is to make rated drivers aware of their own driving behaviour. By providing the opportunity for self-reflection, Alice and Bob want to promote road safety. Users of the portal can evaluate the driving behaviour of other persons by indicating a vehicle registration number (= vehicle registration plate; = license plate number) according to a traffic light scheme (red = negative, yellow = neutral, green = positive). Even if there is no option for a free text input the evaluation can be supplemented by information on the vehicle, the location and a selection from a list of predefined driving behaviour characteristics (= additional information). Users of the portal can enter a vehicle registration number and have the result of the previous evaluations displayed in the form of an average school grade. The voluntary additional information is not visible on this overview; it is only included in the overall statistics. In addition, users can be informed by email about the current status of the evaluations for a specific vehicle registration number.

Alice and Bob also offer an evaluation related to regions or cities as well as general statistics on manufacturers, driving style and vehicle type. All functions of the portal can be used without registration. In § 2 No. 6 of the general terms and conditions, Alice and Bob mention that persons who feel that they have been wrongly assessed may submit a complaint to the complaints office. There is advertising on the website of the portal.

Questions (18 points):

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

- a) whether the processing of the vehicle registration number and the evaluation information falls into the scope of the GDPR;
- b) whether the publication of statistics on the behaviour of drivers in Berlin falls into the scope of the GDPR;
- c) whether Alice and Bob and/or the users of the portal are controller of the described processing in the sense of GDPR,
- d) 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) Alice Miller, miller98@web.de, ordered the newsletter of Médecins sans Frontières (MSF); Entity: TU Berlin
- 2) Radiograph of a person with lung cancer; Entity 1: Facebook (Facebook Ireland Limited, 4 Grand Canal Square, Dublin 2, Ireland); Entity 2: Hospital where the patient is treated.