

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 31.07.2020 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 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.

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:

Alice (A) lives in San Francisco (United States of America). She operates an internet portal for people from Berlin (= users) under the domain "www.gemeinsam-sind-wir-staerker.de". Users,

who are living in Berlin, have the possibility to register with name, first name, address, e-mail address and date of birth. After registration, a user can indicate whether he/she is infected with a contagious disease and if so, in what period of time. During the period of infection, a red flag appears on a virtual map, which is freely accessible via the web portal, at the place where the user lives. Further information will not be published. This is to inform other people where there may be an increased risk of infection so that they can act with appropriate caution.

If users know about an infection of a neighbour they have the possibility to enter the following information (the address of the neighbour, has a contagious disease) into the portal. During a period of seven days, an orange flag appears on the virtual map at this address.

Alice finances the portal through advertising.

Questions (24 points):

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

- a) whether the described processing of the information about the users (name, first name, address, e-mail address, date of birth and the information about contagious disease) falls into the material and territorial scope of the GDPR.
- b) whether the described processing of the information about a neighbour (the address and the information about a contagious disease) falls into the material scope of the GDPR;
- c) whether Alice and/or the users of the portal are (joint) controller of the described processing in the sense of GDPR,
- d) and whether the principle of lawfulness is fulfilled.

Task 2 (6 points):

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

On June 7th 2020 the living person X was at 12:12 in the Yorkstraße subway station, at 12:24 on Dennewitzplatz, at 12:32 in front of the Zwölf-Apostel-Kirche and at 12:55 in the Kaufhaus des Westens (KDW) (Berlin); Entity: Kaufhaus des Westens (KDW) (= store)