

Data Protection Law – Group B

Please write your last name, first name, matriculation number, degree program and group (“Group B”) in each document you upload to the ISIS-course at the end of the exam.

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 in the ISIS course "Data Protection Law" of this semester and published in the glass box opposite to room H-5112. The publication starts shortly after the corrections and will last about one month. During this time your personal data can also be viewed (and being downloaded) by others.

You have a right to object. To exercise your right to object, please send an e-mail to katrin.jux@tu-berlin.de and m.haase@tu-berlin.de. In any case, you can receive information about your grade and the points you have achieved personally at the examination inspection or through Qispos.

Important information: You can prepare your text both handwritten and electronically. The document must be uploaded completely as a file in the ISIS course by the end of the exam. Please include your last name, first name, matriculation number and degree program at the beginning of each document.

If you wish, you can additionally send your document to the following e-mail (abschlussarbeit@wir.tu-berlin.de). Please label the file(s) (and e-mail) with a text as follows: DPL_09042021_[last name]_[matriculation number]_page [x] - [y] (example: DPL_09042021_Miller_123456789_page 1-4).

Pay attention to **legible writing** and **formulate whole sentences** (!). All tasks and questions are to be processed and answered. Please refer to the respective point specifications for the weighting. The exam takes **90 minutes** to complete. A total of **30 points** can be scored. The task sheet consists of three pages (two tasks).

Task 1 - legal assessment of a case: *For the following facts, please prepare a written, legal opinion 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. Please deal only with provisions of the General Data Protection Regulation (GDPR) and the Charter of Fundamental Rights of the European Union (The Charter).*

Facts of the case:

During the corona pandemic in 2020/2021, the Crisis Committee for Members of the Technical University of Berlin (TU Berlin) have informed the members of the TU Berlin via an information letter. The information letter of 31.03.2021 contains the following rules:

“For the summer semester, face-to-face teaching is initially only permitted for such practical formats (not field trips or excursions) which are mandatory elements of courses and which cannot take place in digital format. Practical teaching formats may take place under the usual regulations and with the usual restrictions on the number of persons present on the basis of the SDU’s standard hygiene protocol. Hygiene protocols for practical formats must be presented to the relevant faculty administration.”

Due to this rules, university lecturer Dr. Rabbit (R) plans to hold the lecture in the module Data Protection Law exclusively digitally via video conferencing system and learning platform. R plans to explain the basics of data protection law in a weekly online conference (= meeting).

The video conferencing system “VCS 2021” is installed and set up on a server of the G-GmbH, which is seated in Hamburg. Students can join the meeting from home by opening a link and entering a name. As part of this process, the IP address is transmitted. The G-GmbH merely provides the storage space. The contract between TU Berlin and G-GmbH obliges G-GmbH not to access the data.

R is thinking about requiring students to have the camera activated during the meeting. R hopes to better engage and get to know students this way. In face-to-face lectures, R also would see the students.

In addition, R plans to record every meeting in full. By uploading the recording, R would like to fulfill the wish of many students. Some students cannot attend the live meetings. Some students would like to repeat the contents based on the recordings.

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

- a) Does the described processing of information falls into the material scope of the GDPR? **(6 points)**
- b) Who is (legally) responsible for the processing (as controller or processor) from a data protection perspective? **(6 points)**

c) Is the obligation to activate the camera in conformity with the principle of lawfulness? **(6 points)**
(Assume that the scope of the GDPR is given.)

d) Is the recording of every meeting in conformity with the principle of lawfulness? **(6 points)**
(Assume that the scope of the GDPR is given.)

Task 2 (6 points):

With respect to the following facts, please discuss whether and to what extent the material scope of the GDPR is given. Please refer to the relevant regulations.

For a research project, R has created a document with the following table. The document is stored on his computer.

Participant of the course ...	Semester	Gender	Number of spoken contributions on 04/13	Quality of participation (grade 1 – 5)	Motivation (grade 1 - 5),	Friendliness (grade 1 - 5).
“Data Protection Law”	Summer 2020	Male	3	2	2	1
“Data Protection Law”	Summer 2020	Male	2	3	1	2
“Data Protection Law”	Summer 2020	Male	7	2	2	1
“Data Protection Law”	Summer 2020	Male	0	-	-	-
“Data Protection Law”	Summer 2020	Female	5	1	2	1
“Law and Innovation”	Summer 2020	Female	9	2	3	2
“Law and Innovation”	Summer 2020	Male	6	2	2	2
“Law and Innovation”	Summer 2020	Male	3	2	3	4
“Law and Innovation”	Summer 2020	Male	0	-	-	-
“Law and Innovation”	Summer 2020	Male	3	2	2	2
“Law and Innovation”	Summer 2020	Female	4	2	1	2
“Law and Innovation”	Summer 2020	Male	2	2	1	2
“Law and Innovation”	Summer 2020	Male	1	1	2	2
“Law and Innovation”	Summer 2020	Female	0	-	-	-

Grade 1 = very good, Grade 2 = good, Grade 3 = satisfactory, Grade 4 = sufficient, Grade 5 = insufficient