

Data Protection Law – Group C

Please write your last name, first name, matriculation number, degree program and group (“Group C”) at the beginning of 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 one 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 page of the 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_19072021_[last name]_[matriculation number]_page [x] - [y]
(example: DPL_19072021_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 *(The following facts are partly fictitious):*

The TU-Berlin is conducting a research project on autonomous driving on the Straße des 17 Juni in Berlin. The project is led by Prof. P, who lives with his family in Oslo, Norway. One of the main goals of the research project is to develop proposals for an efficient, stable and safe infrastructure for autonomous driving. The project is funded by the Federal Ministry of Transport and Digital Infrastructure of the Federal Republic of Germany.

To carry out the research project, TU-Berlin is acquiring three motor vehicles from A-AG, which offer the technologies to move autonomously through road traffic. Each vehicle is equipped with various sensors (e.g. radar, lidar), cameras, a GPS transmitter (GPS = Global Positioning System), mobile communications and WLAN. This allows the vehicle to record numerous data while driving, process them via a software and convert them into efficient and safe control of the vehicle. Furthermore, data can be sent and received via mobile communications and WLAN. To enable data to be transmitted via the Internet, a dynamic IP address is assigned to a vehicle at the moment of dial-up with the help of the internet service provider ISP.

Several front, rear and side-facing cameras continuously record the vehicle's surroundings while driving. In addition to the road conditions and traffic signs, other road users (including pedestrians, cyclists, motorcyclists, vehicle drivers...) are also filmed. The images are analyzed by software and serve as the basis for controlling the vehicle. To enable the most comprehensive evaluation possible, the data is transferred to servers of G-GmbH and stored there for six months. G-GmbH primarily provides the storage space. TU Berlin and G-GmbH have concluded a contract about this, in which G-GmbH assures, among other things, that it will not access the data. Each vehicle has a unique vehicle identification number (VIN), with which it can be clearly identified in the network which is linked to all data.

Within the scope of the project, five drivers (= driver) will be deployed by the TU Berlin, one of whom will sit in the vehicle for every journey for safety reasons. This driver can intervene in the driving action at any time. The drivers sign the following declaration: "I am proud to serve the research of the TU Berlin. Therefore, I allow the TU Berlin to process all necessary data about me. I am not interested in the details of the data processing."

For the realization of the research project, the Straße des 17. Juni has also been equipped with some sensors, cameras and transmitters. The sensors, cameras and transmitters are operated and maintained by H-GmbH. The collected data are transmitted by the H-GmbH exclusively to the TU-Berlin. Among other things, motor vehicles driving along Straße des 17. Juni are recorded by a camera installed on a bridge. The data is also used to calculate the control of the autonomous

driving vehicles. TU Berlin and H-GmbH have agreed that the data collected may only be evaluated by TU Berlin and will only be used for research into autonomous driving.

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

a) Does the storage of the locations as well as the movements of the autonomously driving motor vehicles fall within the scope of the GDPR? **(9 points)**

b) Is TU Berlin, a driver, A-AG, G-GmbH controller, processor, or data subject? **(6 points)** (Assume that the scope of the GDPR is given.)

c) Is the storage of the locations as well as the movements of the autonomously driving motor vehicles in conformity with the principle of lawfulness? **(6 points)** (Assume that the scope of the GDPR is given.)

Task 2 (9 points):

Explain comprehensively whether and to what extent dynamic IP addresses are personal data. Refer to all relevant technical facts and legal provisions.