

LAW & DATA EXAM | 5 FEBRUARY 2025
CORRECT ANSWERS

Here below you will find the correct answers to the multiple-choice questions

Multiple-choice Questions (2 points each)

1. The main difference between the EU and the US approaches to the legal regime of personal data is

- a. **that the EU treats personal data as an aspect of individual personality and dignity, whereas the US treats data as a market and relates to liberty**
- b. that only EU protects privacy
- c. that only the US protect privacy
- d. that only the US approach leverages individual consent to protect privacy.

2. The EU Charter of fundamental rights expressly safeguards

- a. The right of data controllers and processors to process anyone's personal data
- b. **The right of individuals to personal data protection**
- c. **The right of individuals to private and family life**
- d. The right of individuals to process any other individuals' personal data

3. Which of the following statements is correct?

- a. **Regulations are directly applicable in all Member States as such, whereas directives need to be implemented by every Member State**
- b. EU regulations and directives must be directly applied in any of their provisions in all Member States
- c. **Regulations are directly applicable in all member states as such, whereas directives need to be implemented by every member state**
- d. **Regulations and directives are adopted by the EU legislator**

{This question included, by mistake, two identical correct answers (a & c). I considered either (a) or (c) (or both) as amounting to 1 point, but the other correct answer was (d).

Therefore, those who selected (a) and/or (c), plus (d) received 2 points. }

4. The European Data Protection Supervisor is

- a. a national authority supervising on data protection
- b. a supranational authority supervising on the activity of national supervisory authorities
- c. a supranational supervisor on any processing of personal data Member States citizens
- d. **an independent body at the European level supervising on processing carried out by EU Institutions**

5. The processing of personal data pursuant to the GDPR may be lawfully carried out:

- a. **When data subjects expressed their own consent**
- b. Based on the controller's free choice
- c. **When the data controller duly requested and obtained the data subjects' consent**
- d. When there is no consent, but the processing must take place to perform a contract between the controller and any third party

Open Questions (10 points each)

Here below you will find a framework of the arguments to be mentioned to receive 10 points for each question. Mentioning less arguments and/or giving incorrect or inaccurate answers might have implied a lower score for each one of them.

A. Please explain the rights with which the data subject is vested, when their personal data is processed according to the GDPR in no more than 12 lines.

- a. *Right to access*
- b. *Right to data rectification*
- c. *Right to data erasure – right to be forgotten*
- d. *Right to processing restriction*
- e. *Right to data portability*
- f. *Right to limit the processing*
- g. *Right to object to data processing*
- h. *Right to lodge a complaint before the NSA*
- i. *Right to seek legal redress before Courts*

B. Please describe the evolution of [personal] data protection legislation in the EU legal system in no more than 12 lines.

- a. *Directive 95/46/EC (liability approach)*
- b. *Nice Charter, articles 7 and 8*
- c. *Articles 2 and 3 of the TEU*
- d. *Article 16 of TFEU*
- e. *Article 39 of the TEU*
- f. *Charter of Fundamental Rights, articles 7 and 8*
- g. *Shift to a compliance approach → GDPR*
- h. *Data Protection Package*
- i. *References to ECJ case-law*
- j. *(possible references to other EU directives and regulations)*

(references to Convention 108 and Convention 108+, as well as to the OECD Guidelines or to the UN Declaration of Human Rights or the ECHR were useful, but did not directly concern the European Union legal system, rather belonging to different legal systems - respectively, CoE and OECD)