

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Advanced Diploma in Cyber Security & Data Protection Laws

Academic Year: 2021-2022

First Semester - End Semester –Take Home Examination (February, 2022)

**Paper II - 1.1.2. Data Protection Laws in foreign Jurisdictions
(US, UK, Canada, Singapore and European Union)**

TOTAL MARKS: 70

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - e) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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Question 1:

- (a) What are the improvements brought in by the GDPR over the EU Directive of 1995?

..... 5 Marks

- (b) A student from Italy joins a College in India under a student exchange program. Discuss the applicability of GDPR to the Indian College in this context.

..... 5 Marks

- (c) John is an ex-employee of a French Company and was entrusted with the handling of the email account customerservice@company.com through which data subjects contacted the company for their service related queries.

After John has ceased to be an employee, the company has archived the data in the email box customerservice@company.com and entrusted the same email identity to a new employee Robert.

John has filed an access request to the email account claiming that he has many personal emails also in the inbox along with precious family photographs etc. He

has also objected to any information from his email ID to be made accessible either by the new employee Robert or the company's other employees.

Company refuses to allow access to the data stating that it is the property of the company. John claims that he is the owner of the data and has a right to access as a data subject and has approached the Supervisory authority for resolution.

In the course of the investigation of the complaint by the supervisory authority, it is observed that the e-mail server is maintained by a third party cloud service whose servers are in USA.

Discuss the incident from the perspective of the Rights of the data subject under GDPR, ownership of data in an email account, the implications of the official email ID under the domain the name of the company, cross border transfer of personal data and the risk of penalty that may be imposed by the Supervisory Authority.

.....15 Marks

Question 2:

(a) How does the concept of Protected Health Information (PHI) under HIPAA differ from the "Personal Information" defined under CCPA in terms of the protection of the Right to Privacy of an individual.

.... 5 Marks

(b) Discuss the impact of BREXIT on the transfer of data between UK with other EU countries.

..... 5 Marks

(c) M/s Chang Inc is a company based in California and is the manufacturer of a home security system which collects audio and video from its home installations and sends it to the central security management system.

The central security management system runs an Artificial Intelligence algorithm which identifies the security risks arising out of the data inputs such as checking the visitor's identity with a criminal data base and analysing the voice recordings against a "Criminal Identity Voice biometric system" etc and when risks are identified, the system alerts the law enforcement for immediate crime prevention activity.

In once incident, a security alert is triggered by the system and police visit the home of an elderly lady Jonathan and as they enter the house encounter two black gentleman rushing out. In the scuffle that ensues one of the visitors is killed.

It is found that the visitors were not criminals and had visited the house on invitation from Jonathan.

A criminal prosecution is launched against the wrongful murder of the black man. Police blame the wrong alert generated by the system and the AI algorithm which interpreted the well built black men visiting an aged lady as a threat.

Analyse the incident from the perspective of the responsibilities of Chang Inc on collection and processing of personal information and automated decision making.

What are the implications under CCPA and the possibility of the Attorney General of California invoking penalties?

..... **15 Marks**

Question 3:

(a) Discuss the difference in the approach of Personal Data Protection Act 2012 of Singapore (PDPA-SG) and GDPR in defining the scope of the Act.

..... **5 Marks**

(b) Discuss how does the jurisdiction of the federal law in Canada relate itself to the independent data protection laws of the principle provincial Privacy laws.

..... **5 Marks**

(c) Bobby was a marketing consultant of a fund management company in Singapore who left the company and set up another company in the similar business. He used the name of one of the customers of his erstwhile company, found out his email contact from his Linked In profile and sent a marketing mail to him from his new Company.

The client objected to the marketing activity without consent and also joined hands with the former employers of Bobby to restrain him from using, disclosing or communicating any of his personal data.

Under the PDPA of Singapore, discuss whether Bobby is liable and whether he would be entitled for any injunctive relief for distress and loss of control over his personal data.

..... **5 Marks**

(d) A publishing house "General Publishing" located in Montreal, Canada, produces and markets print directories in the business, health and demographic fields containing the name, email address and phone number.

It employs another organization "Demographic Research Institute of Canada" (DRIC) to provide a list of such information about business as well as non profit organizations.

DRIC collects contact addresses from many sources including websites where the contact information about the directors or other functionaries is made available.

One of the persons whose information was extracted out of a website complained that he has not provided consent for collection of his information.

Discuss whether General Publishing is liable under PIPEDA for collecting personal information without consent.

Also discuss the liability of DRIC which claims that it is a “Research Organization” and the data collected from websites is “Public Data” collection of which does not require consent under PIPEDA.

..... **5 Marks**