

Name:

Enrolment No:



UPES

End Semester Examination, May 2023

Course: **Data Protection Law**

Semester: **VIII**

Program: BA LL.B (Hons.) (Energy Law/ Criminal Law/ Labor Law/ Constitution Law/IPR/Cyber Law)// BBA LL.B (Hons.) (Corporate Law/ International Trade and Investment Law / Banking, Finance, and Insurance Law/IPR/Cyber Law)// B.Com. LL.B (Hons.) (Taxation Law/Media and Entertainment Law/ Legal Compliance and Secretarial Practices/IPR/Cyber Law)

Time: 03 hrs.

Course Code: CLCB 4007

Max. Marks: 100

- **Instructions:** Please read the question paper carefully.
- **Attempt all the Questions.**
- **Support your answer with relevant provisions and case laws.**

SECTION A
(5Qx2M=10Marks)

S. No.		Marks	CO
Q 1	Write a short note Computer Bureau.	2	CO1
Q 2	Describe the Right of Confidence.	2	CO2
Q 3	Explain the term “Automated”	2	CO1
Q 4	Define Profiling.	2	CO1
Q 5	Express Biometric Data?	2	CO2

SECTION B
(4Qx5M= 20 Marks)

Q 6	Analyse “Right to Data Portability” in terms of GDPR and PDPB, with relevant provision.	5	CO2
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Q 7	Explain “Lawfulness of Processing” with the relevant provision in terms of GDPR.	5	CO3
Q 8	Elucidate “Sensitive Personal Data” with the relevant provision in terms of PDPB.	5	CO3
Q 9	In which case Consent is necessary for processing personal data? Explain the relevant provision in terms of PDPB.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Classify the timeline, Historical Background of GDPR with the help of a judicial decision.	10	CO3
Q 11	Highlights the main key points of the Digital Personal Data Protection Bill, 2022, and the guidelines relating to the Regulation of Online Gaming in IT Amendment Rules, 2023.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>In or about October 2008 a client contacted the firm regarding a complaint, in relation to her employer having read her emails and having printed out her emails from her personal email (her Yahoo Account). She had been employed in her position for the previous eight years and on attending at the building at 3 a.m. due to an alarm activation, a possible break-in, she discovered a print-out from her personal email account on her employer’s desk. Other emails were also printed out from our client’s work computer. Our client did not print out those emails herself and it was therefore clear to her that her employer had accessed her personal email account. The following day our client took the printout of these emails to her employer and asked for an explanation. No explanation was forthcoming and later that day our client received a call and was informed that she should stay away from work until such time as the Board of Management had time to discuss her matter. Our firm corresponded with her employer and her employer’s solicitors in the hope of resolving the matter to no avail. We then forwarded the matter to The Data Protection Commissioner for his assistance as we believed there was a very fundamental and serious breach of The Data Protection Act under a number of headings. The matter was reported to the Office of the Data Protection Commissioner and we can advise that the matter was subsequently settled between the parties before a decision could be made by the Commissioner. An amicable resolution was reached between the respective parties in relation to the outcome of this case. In the light of facts given answer the below question:</p> <p>1- Discuss Data Protection Principles, Principles relating to the processing of personal data, and Different Obligation of Data</p>	25	CO3

	<p>Fiduciary? Highlight the Key differences in terms of DPA, GDPR, and PDPB. (15 marks)</p> <p>2- Elaborate the different penalties explained in GDPR and PDPB (10 marks)</p>		
Q 13	<p>The European Union (EU) enacted the GDPR governing personal data protection to promote the establishment of a regional strategy for information security based on fundamental rights underpinned by democracy. Amongst other factors, personal data protection is one important element of the rights of the people, and it offers sanctuary to the individuals and makes them feel secure from unethical intrusions to their personal data. The existence of privacy protection regulations will encourage the governments to recognize and acknowledge the differences in privacy interests amongst the countries. That makes it important to have appropriate provisions included in the legal framework to protect the victims affected by privacy breaches. The collection, use, and disclosure of personal information of individuals are concerning issues in a climate of rapidly developing information processing technology, and an increasing number of people are becoming concerned about their privacy being compromised in the process. Therefore, the overriding concern is how secure collecting, disclosing, processing, and managing personal data is. That leads to emphasizing the crucial importance of having adequate data privacy laws around the world. GDPR prescribes eight Data protection principles, Lawfulness, Fairness and Transparency, Purpose Limitation, Data Minimization, Accuracy, Storage Limitation, Integrity and Confidentiality, Accountability. Some changes have been introduced in data protection by harmonizing the data privacy laws across Europe. The European Union (EU) prohibits data transfer from an enterprise in the EU region to countries that do not match the same level of EU Regulations on data protection. The implication is that an organization or an individual from any part of the world handling information of EU citizens, even based in an EU member state, come under the purview of GDPR. The new rules also provide the EU citizens with a set of rights, including the right to access and the right to be forgotten personal information. In the light of facts given answer the below question:</p> <ol style="list-style-type: none"> 1- Classify different Rights of the Data Subject given in Chapter III of GDPR? (15 marks) 2- Describe the different grounds for the processing of personal data without Consent in terms of GDPR and PDPB? Also, highlight the difference. (10 marks) 	25	CO4