

EXAM QUESTION – MID-TERM PAPER- JUS 5630

Deadline for submission Friday 22 March 13.00

Follow the instructions as outlined:

<http://www.uio.no/studier/emner/jus/jus/JUS5630/v13/undervisningsmateriale/instructions-mid-term-paper-jus5630-v13-2.pdf>

And choose one of the following questions:

1. In data protection, 'consent' is one of the legal bases for data processing (Article 7a Directive 95/46/EC). Evaluate to what extent the new proposed Regulation (as initially proposed by the European Commission) changes the requirement of 'consent' (see http://ec.europa.eu/justice/data-protection/document/review2012/com_2012_11_en.pdf). In your answer, provide explanations of the benefits and limitations of consent as a legal basis for data processing. State whether or not you think the proposed requirement of 'consent' may strengthen or weaken data protection and explain the reasoning for your judgment.

2. In 2002 Prof. Deborah Nelson wrote: "Privacy, it seems, is not simply dead. It is dying over and over again."¹ Evaluate the accuracy of this statement in 2013 by considering changes (actual and proposed) in the legal framework for data protection in the last decade. In addressing this question, discuss legal sources that strengthen privacy protection, as well as sources that may weaken it.

¹ *Pursuing Privacy in Cold War America*. Deborah Nelson. New York: Columbia University Press, 2002. p. xii .