

Helsinki Information Law Moot Court 2022 Clarifications

Overlapping questions from teams have been merged where appropriate.

GENERAL

Where are the locations of Customer Support and do they have separate legal personalities?
Customer support is located in Newtonland and does not have separate legal personality.

Is HOUSY a legal person?

Yes, HOUSY is a limited liability company which has legal personhood.

Does KEYLY operate in any other country?

KEYLY operates throughout the European Union.

Is any other data processed apart from the records of entering and exiting the flat?

The processing activities relevant to the dispute are limited to those indicated in the problem.

What kind of personal data or possible processing activities are relevant for question one?

Question one refers to personal data being processed in relation to the keys and electronic locks in question. Teams can disregard processing activities outside of the scope of the issue in dispute. It is for mooters to determine which processing activities they believe to be relevant for discussion.

Does the DPA of Newtonland have any of limitations on its powers or abilities?

The DPA of Newtonland has the powers set out under the GDPR, art. 58.

The problem states that “HOUSY suspects that ... former tenants have used [old keys] to get into the storage area to steal goods”. Have item only been stolen from the storage area?

HOUSY does not have any information about goods stolen from other areas.

SYSTEM RELATED QUESTIONS

Is the digital key a physical key or a terminal to enter in an access code?

The digital key is made up of a physical token which uses near field communications (NFC) technology.

What information is stored on KEYLY’s digital keys?

The digital keys contain the key's unique ID and any access codes required to open the specific doors which the key is authorised to open.

Were the keys issued exclusively for the locks or are they personal? To whom are the keys assigned if multiple people are living in a property? Does the contract forbid tenants from giving the keys to other people? In this context, what is the method of assigning the locks? Are there special locks for each of the people living in the house, or does each house have a certain number of outline locks and it is unknown who will use it?

Keys are issued to individual tenants, and each key can open all locks which the tenant is entitled to open. The contract states that each tenant is responsible for their keys, but does not explicit forbid them from lending their keys to others, in the same way as it did for non-digital keys.

Where multiple tenants live in a single apartment, each tenant has their own key, registered to their own name. That apartment door then has a single lock, with each tenant's key containing the access code necessary to open that lock. As well as the lock on each apartment, apartment buildings have a single lock on each external door. Keys assigned to tenants who live in a building are able to unlock the external doors, as can maintenance keys.

Each lock then stores a record of which key was used to open the door, as detailed in the problem.

Passage 3 line 4 states that the lock “records a swiped key’s unique ID code”. Does the unique ID code contain personal data? If so, does it contain landlord’s personal data or only tenant’s personal data?

Each code consists of a randomly-generated string of letters and numbers (e.g. "ADHC872SDA1"). Whether the unique ID code constitutes personal data is for the mooters to decide.

Are unique IDs stored separately from personal information associated with tenants?

Unique IDs are registered to a tenant's name. This registration is stored in a database which HOUSY can access and edit.

Is there any way for HOUSY or KEYLY to link the ID code in a digital key to a person (either a tenant or a flat owner)?

Yes, HOUSY holds a database which details the unique ID of each key, the name of the tenant to whom that key is assigned, and a list of the doors which that key is entitled to open. This database follows the same model as was used for physical keys, which also carried a serial number printed on each key.

The problem states: “Only a KEYLY-certified locksmith can access the event log. Locksmiths would only provide the access logs to the police”. Apart from this, what organizational or administrative measures have been taken to protect the data?

Organisational and administrative measures have been implemented to ensure that the information from the locks can only be accessed by a KEYLY-certified locksmith and that such a locksmith will only provide the access logs to the police.

HOUSY has also implemented organisational and administrative measures to limit access to the central database which contains the database linking tenants, unique key IDs and access rights. This database can only be accessed when (a) registering, deleting or otherwise editing a tenant's access rights; (b) checking to whom a key was registered as part of a police investigation; or (c) as part of established auditing procedures.

WEBSITE AND OTHER COMMUNICATION

What specific information was provided in the website post? For example, including “reasons for this change.”

The website post contained the information about how the locks worked, what information would be recorded and the reasons for the implementation in the same terms as given throughout in the problem.

Can you give more details about the “video call” between HOUSY and the flat owners?

The relevant information about the call is contained in the problem.

Did HOUSY provide reasonable notification regarding the video meeting and recording to flat owners only?

HOUSY gave flat owners one-month's notice of the call. They did not invite tenants to the meeting with the owners.

PRIVACY POLICY

What is the content of the Privacy Policy on HOUSY's website?

The privacy policy contains the information required by the GDPR, arts. 13 and 14. Any information relevant to the problem has been extracted or detailed in the problem and clarificatory questions.

Where and by whom is the processed data stored? Is it within the borders of EU countries or is there data transfer to another country?

No data is transferred outside of the European Union.

BUSINESS MODEL

The problem specifies HOUSY's business model as an "all-round carefree package". Could you explain the scope of this model and the place of HOUSY under the rental contract? Does HOUSY have a contractual relationship with the tenants?

Under the package, HOUSY act as a rental agency to help find and select tenants, manage the relationship with the tenants and take care of the building. The rental contract is formally between the tenant and the owner of the property; HOUSY does not have a direct contractual relationship with the tenants.

Does HOUSY take care of any buildings outside the "care-free package"?

Yes. HOUSY offers a range of housing services. These services include the renting of housing which HOUSY itself owns and less comprehensive packages where HOUSY will find clients for flat owners but is not responsible for maintenance and upkeep of the property.

Under HOUSY's general reference, are flat owners allowed to lease their units to a lessee? Do flat owners bear the responsibility to update HOUSY on its lessee's personal identification and to what extend is the information needed?

The relevant buildings are part of HOUSY's "all-round carefree package", which gives HOUSY the exclusive right to lease out the property. If flat owners wish to organise leases on their own, they cannot use HOUSY's all-round carefree package, which also includes services to do the necessary work on the property. Only properties that are managed under the all-round carefree package were equipped with the new digital-key system.

What contact information does HOUSY have of tenants? How do they inform data subjects (tenants) about processing data?

HOUSY has the address, phone number and email address for all tenants. They keep tenants informed with information on HOUSY's website and through email newsletters and communications.

What is the role of the Landlords regarding the relationship between HOUSY and KEYLY?

The contract for the locks was entered into jointly by HOUSY, KEYLY and the flat owners (with HOUSY acting as their agents).

Does the rental contract between landlords and the tenants include a piece of information regarding the identification of the controller?

The rental contract states that the landlord is the controller, "as set out in the general terms available on HOUSY's website".

“But it is the flat owners that sign the contract with the tenants and KEYLY who built and designed the locks.” What does the given quotation mean? Do flat owners have contract with both the tenants and KEYLY or they only have a contract with the tenants and rest of the sentence is just to identify KEYLY?

Mr Winter has argued that HOUSY does not process the information in the locks because (a) the flat owners are the ones who have entered into a contract with the tenants, and separately (b) KEYLY is party who built and designed the locks.