

Helsinki Information Law Moot Court 2025 Problem

The constitution of Newtonia states that anybody over the age of 18 shall be entitled to vote in both national and local election. Newtonia is a Member State of the European Union and a signatory of the European Convention of Human Rights.

The Welcoming Expected Voters of Tomorrow Enterprise (“**WE-VOTE**”) was founded in 2014 as a non-partisan group intended to promote political awareness in teenagers. WE-VOTE regularly holds events in schools where they provide teenagers with information about the various political parties active in Newtonia, as well as information about how elections work. WE-VOTE also provide various tools to young voters, including a voter registration scheme.

As part of their events in schools, WE-VOTE provide access to their “Newtonian Election Do-It-All” website (“**the NED**”). Students at the events access the NED from their own mobile devices and are asked to answer 50 questions (“**the NED Quiz**”), some of which are overtly political (e.g. “Do you agree that taxes should be raised so that the Newtonian state can provide universal healthcare?”), whereas some are not (e.g. “Do you regularly go on holiday to other EU Member States?”). On the final screen of the NED Quiz, students are required to provide their date of birth.

The NED analyses the answers provided, using an algorithm designed by WE-VOTE, and then provides the student with the following information:

- Which political party WE-VOTE considers will best align with that student’s political opinions;
- Which political party WE-VOTE considers will least align with that student’s political opinions;
- The year in which that student will become eligible to vote.

When the students first begin the NED Quiz, they are presented with the following pop up:

In order to provide you with its analysis, the NED Quiz processes personal data, including special category personal data relating to your political opinions. We need you to consent to this process. We use a layered privacy notice, to make sure that this information is easy to ready – for more information, please see our Privacy Policy, by clicking [HERE!](#)

Please note that you must be at least 13 years old to use the NED.

- YES, I AM AT LEAST 13 YEARS OLD AND I CONSENT TO THE PROCESSING
- NO, I DO NOT CONSENT
- I AM UNDER 13 YEARS OLD, PLEASE TAKE ME AWAY FROM HERE!

Users who refuse their consent cannot take the NED Quiz.

After receiving their results, users are presented with a popup which states:

Become a NED Head!

By posting your results on Social Media, you can share your results with the world and help to improve your and others’ political engagement! What’s more, if you become a NED Head, we will be able to share future information about upcoming elections and new political adverts which might interest you, based on the information which you have shared.

Never miss a thing and stay engaged so that you can cast your vote with confidence when the time comes!

For more information, please see our privacy policy.

Click [HERE](#) to automatically post your results and become a NED Head now!”

Users who click on the link to the privacy policy are taken to a section which states:

By becoming a NED Head, you recognise that you are manifestly making your political opinion public within the meaning of the General Data Protection Regulation (“**the GDPR**”), article 9(2)(e). As part of its legitimate interest in spreading information and raising awareness, WE-VOTE will subsequently process your personal data for the purposes of providing targeted advertising which relates to your political opinions. This personal data is processed on the basis of our legitimate interest under the GDPR, article 6(1)(f), and on the basis that you have manifestly made that information public under article 9(2)(e). We will never process personal data for purposes other than those provided as part of the NED.

You may object to this processing by filling in the Objection Form, which may be found by clicking [HERE](#).

Please note that you will only become a NED Head, and therefore will only receive our advertising, if you share the results through the NED interface.

Under the NED Head scheme, WE-VOTE purchases advertising services from the relevant social media platforms and uses this to deliver targeted information to registered NED Heads. WE-VOTE uses this to share their own original summaries of political news and policies, as well as its own editorial content. WE-VOTE also uses the NED Head scheme to repost publicly-available material, including adverts, created by Newtonian political parties. WE-VOTE does not have any kind of agreement with the Newtonian political parties for doing this, nor is not paid or funded by those parties in any way.

On 11th October 2025, WE-VOTE held an event at the Knowledge Hill secondary school in Newtonia. During that event, 256 students became NED Heads. Of these students, 108 students were aged 17 or older, with the remaining students being between ages of 13 and 16.

On 21st January 2026, the Newtonian Data Protection Authority, which was appointed as the competent authority to supervise compliance with Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising (“**the Political Advertising Regulation**”), issued a decision about WE-VOTE’s use of the NED and the NED Heads scheme. The conclusion of this decision stated that:

Regarding WE-VOTE’s activities after 10th October 2025:

- By providing adverts to NED Heads, WE-VOTE is engaging in an act of political advertising, as understood under article 3(2) of the Political Advertising Regulation, notwithstanding its alleged status as a non-partisan actor. Further, as those adverts are based on the results of the NED Quiz, WE-VOTE utilises targeted advertising techniques, as understood under article 3(12) of that Regulation, and does so on the basis of profiling using special category personal data as understood under article 4(4) of the GDPR. WE-VOTE is, therefore, in violation of article 18(1)(c) of the Political Advertising Regulation.

- As this advertising is purportedly based on WE-VOTE's legitimate interest, rather than the NED Heads' consent, WE-VOTE is also in violation of article 18(1)(b) of the Political Advertising Regulation.
- Regarding the advertising delivered to those students aged 16 and under, WE-VOTE is in violation of article 18(2) of the Political Advertising Regulation.

Regarding WE-VOTE's activities before 10th October 2025:

- Following the jurisprudence of the Court of Justice of the European Union, and guidelines from the European Data Protection Board, WE-VOTE was unable to validly rely on the GDPR, articles 6(1)(f) and 9(2)(e) for the provision of targeted political advertising. Such advertising was, therefore, in violation of the GDPR.
- Further, WE-VOTE was in violation of the GDPR, article 7 by providing the NED and NED Head services to children under the age of 16. In this regard, the Newtonian DPA notes that Newtonia has not provided for a lower age, as set out under paragraph 2 of article 7(1).

WE-VOTE appealed this decision to the Newtonian High Court, arguing that:

- The Political Advertising Regulation must be declared unlawful under EU law as it disproportionately violated both WE-VOTE's and the NED Heads' freedom of expression and information under the Charter of Fundamental Rights, article 11;
- The Newtonian DPA had further misunderstood and/or misinterpreted the requirements under articles 6(1)(f) and 9(2)(e), and should have found that WE-VOTE was entitled to rely on those provisions for its provision of political information to NED Heads; and
- Neither the NED nor the NED Head scheme qualified as Information Society Services and the GDPR, article 7 was therefore inapplicable.

The Newtonian High Court considered that this matter involved the interpretation of EU law and therefore made a preliminary reference to the CJEU. The following questions were referred:

1. Is the Political Advertising Regulation compatible with the Charter of Fundamental Rights, article 11, also taking into account articles 7, 8 and 24 of the Charter?
2. If the Political Advertising Regulation is invalid, must the GDPR, articles 6(1)(f) and 9(2)(e) be interpreted as able to provide a valid legal basis for the processing of personal data for the purposes of providing services such as the NED Head scheme?
3. Must the term "Information Society Services" be understood as including services such as the NED and NED Head scheme?

Mooters are asked to prepare two briefs, one on behalf of WE-VOTE and one on behalf of the Newtonian DPA. Mooters should disregard issues of admissibility and only address the merits of the case. Submissions must be made in accordance with the rules of procedure of the moot and submitted before the deadline, as indicated in the moot's timetable.