

Helsinki Information Law Moot Court 2026 Problem

LOVE 'N' CARE CORP is a company which develops robotic assistants for use in retirement communities. The company's main office is based in the country of Kalifardia, which has very permissive laws when it comes to using personal data. LOVE 'N' CARE's best-selling product is designed to address the problem of a rapidly aging population and tight public budgets by offering the "Digital Onsite Buddy Operation" (DOBO). DOBO is a 1m-high robot which operates on two wheels and is equipped with cameras, microphones and other sensors. It is designed to engage senior citizens in retirement facilities, in particular those with a weak memory. DOBO can play games with residents, tell jokes, listen to residents' stories, and answer questions. According to LOVE 'N' CARE's promotional material:

"Unlike humans, DOBO is never impatient, judgmental or threatening. DOBO uses an AI model that is constantly improved both for facial recognition as well as for conversations. DOBO does not store conversations as such, but stores topics and facts about an individual that engages with it."

Care units can supply certain data, such as the menu or activity schedules (e.g. "Bingo is Monday at 16.00; pea soup is served on Thursday at 11.30; boiled goose will be served for dinner until further notice"). DOBO will then remember the provided data, as well as the content of its discussions with residents, and will use all of this information when trying to engage residents in conversation.

LOVE 'N' CARE EEA is established in Leibnitzland, a country of the European Economic Area (EEA), from which it provides its services in various states of the EEA, including Newtonia. DOBO's (personal) data is processed in the data center in Leibnitzland, while the AI model behind DOBO as well as the robots themselves are developed in Kalifardia.

Dr. Jenny Kleefield runs a care facility for seniors in the capital of Newtonia called the Kleefield Cares Facility. Always open to innovation, Dr. Kleefield would like to profit from DOBO's advantages and so ordered two DOBOs as a pilot programme for her facility. Those have been supplied at a very favorable price, as it was the first order in Newtonia. After the DOBOs are delivered, but before taking them into use, Dr. Kleefield holds a briefing for all staff and residents, explaining their new features and advantages. During the presentation, Dr. Kleefield states that the DOBOs will only operate in the public parts of the care facility (they will not, for example, be permitted to enter a resident's room), and says that she is working with a lawyer to confirm the specific details of the deployment and ensure that all legal obligations are followed correctly. She also explains that, as part of her deal with LOVE 'N' CARE, staff and residents will be able to submit bug reports and feature requests (e.g. asking for better facial recognition in low light, or for various new personalities based on the different preferences of residents), which will be collected by LOVE 'N' CARE EEA and forwarded to the programming team of LOVE 'N' CARE CORP in Kalifardia. Generally, residents in Dr. Kleefield's facility have accepted the proposals, although this enthusiasm was tampered somewhat after staff members looked up

the reviews from Kalifardia, where DOBOs have reportedly been misidentifying senior citizens or trying to engage busy staff members in conversations about pea soup.

Hans Nafta works in Dr. Kleefield's facility and is also the chairman of Humans! Not Robot Elves (HUNOROEL), an association that is trying to stop the introduction of robots in medical and elderly care. HUNOROEL sees DOBO as yet another attempt to take away the dignity of senior citizens in their last years and a Trojan horse of spyware. Ludwig Dites, a senior citizen, gave HUNOROEL permission to represent him as he "really does not like those speaking cans". HUNOROEL, on behalf of Ludwig Dites, therefore wrote a letter to Dr. Kleefield, stating that "If you do not immediately cease and desist in the use of the so-called DOBOs, we will make sure to raise complaints with the Newtonian Data Protection Authority in its roles as both the Supervisory Authority under the GDPR and the relevant Market Supervisory Authority under the AI Act. Such complaints will doubtlessly lead to severe fines, as rightly justified for such abusive behaviour and the putting of profits ahead of people."

In response, Dr. Kleefield submitted a request for a Declaratory Finding under the Newtonian Administrative Code, which allows the Newtonian DPA to issue a decision on the legal points without ordering any sanctions or penalties. HUNOROEL immediately applied for leave to intervene, which was granted by the Newtonian DPA.

In her application for a Declaratory Finding, Dr. Kleefield states:

1. It is scientifically proven that having more social contacts and conversations slows aging. According to the World Health Organization, the parts of the population aged 80 years or older is expected to triple between 2020 and 2050.
2. The processing of personal data could be justified on the basis of legitimate interest under the GDPR, Article 6(1)(f), provided that the necessary compliance formalities have been satisfied before the DOBOs are actually deployed. Even if special category personal data were involved, this could be processed under either the resident's consent under Article 9(2).
3. The President of the European Commission has itself stated that Europe should be one of the leading AI continents, which means embracing a way of life where AI is everywhere. Under the teleological interpretation of EU law, this must be taken into account when deciding whether or not the DOBOs are lawful under the AI Act and GDPR.
4. Even if the DOBOs would fall within Annex III of the AI Act, they nevertheless fall within the derogation set out under Article 6(3) and therefore should not be considered as high risk systems.

Meanwhile, in its application for intervention, HUNOROEL argues:

1. The potential benefits of DOBO are offset by the general message that robots send to senior citizens, namely that talking to them is not worth the time of humans. This is far more devastating than leaving the seniors alone.

2. While the seniors in Dr. Kleeefield's facility might technically only be old, not sick, they are still vulnerable people. Further, the robots will likely tempt senior citizens to be "too open" and tell their whole history, including potential sensitive data, and the telling of such stories should not qualify as manifestly making the data public, even if done in a publicly-accessible space. Accordingly, neither consent nor legitimate interest can properly justify the processing of personal data by the DOBOs.
3. It seems that DOBO is programmed to exploit vulnerable people. This cannot be right under European AI Legislation and Article 5(1)(b) AI Act should be strictly interpreted to prohibit such abuses.
4. Even if the DOBOs are not banned under Article 5(1)(b) AI Act, they should be considered high risk systems on the basis of Article 6(2) AI Act.

After coordinating with its counterpart in Leibnitzland, the Newtonian DPA declares itself competent to adjudicate the case and asks both parties (HONOREL and Dr Kleeefield) for further input on points 2–4.

Teams must submit two memos, one on behalf of Dr Kleeefield as the applicant and one on behalf of HONOROEL, representing Ludwig Dites, as the intervener. Mooters should disregard issues of admissibility or jurisdiction 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