

Exercise 4

Regulation and Data Protection

Mobile Business II (SS 2023)

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- Exercise 1:
 - Briefly explain the goals and purposes of regulation and regulation bodies.

- **Regulation**
 - limits the *market power*
 - prevents *monopolies*.
 - encourage *innovation*
- In the case of (mobile) telecommunication...
path the way.
- governments and regulators..?

- Exercise 2:
 - What does regulation mean for the mobile communication market?

- **Adoption of mobile telco in general:**
The spread of digital mobile telephony
- **Mobile Services**
The emergence of mobile communication
- **Other effects:**
Relation with interconnection and tariff regulation, pricing, or numbering

- **The goal is to promote universal access to basic mobile communication services**

- Exercise 3:

Regulation of Roaming:

- a) Briefly explain the reasons and objectives of roaming fees regulation within the EU.
- b) What are the consequences of these regulations for the users and mobile network providers?

- Roaming?
- Used to be extremely costly:
 - Don't care!
 - Customers inelastic demand
 - Inefficient market
 - Missing regulation

Exercise 3: Solution a) + b)

- The reasons:
 - high prices for the calls
 - lack of price transparency
 - market failure
- The goals;
 - To protect the consumers
 - To reduce user costs
 - To maximize the resource distribution
- Some consequences:
 - An upper bound on the incurred costs for the network providers
 - Lower prices for the users
 - Higher transparency, and similar prices for international and national text messages.

- Exercise 4:

EU General Data Protection Regulation (GDPR).

a) The GDPR is all about protecting personal data. What is personal data?

b) According to the GDPR,

- Can personal data be sold? Please use the GDPR to answer this question and provide your own opinion on this subject as well.
- Should personal data be able to be sold and bought?
- Who owns personal data?

- a.) Art. 4(1) GDPR: „ *‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;*“
- *The GDPR is only applicable for personal data. Completely anonymized data is not regulated under the GDPR.*

b) According to the GDPR, can personal data be sold? Please use the GDPR to answer this question and provide your own opinion on this subject as well. Should personal data be able to be sold and bought?

Art. 4(2) GDPR: „ ***‘processing’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;***“

Answer:

„Selling“ may be seen as a form of processing within the GDPR.

b) According to the GDPR, can personal data be sold? Please use the GDPR to answer this question and provide your own opinion on this subject as well. **Should personal data be able to be sold and bought?**

Answer:

- Non-personal data can be sold like e.g. an Apple, it is however different for personal data!
- Personal data protection is a fundamental right. You cannot sell your rights.
- „Licensing“ may be seen as a form of processing within the GDPR.
- Personal data may be licensed and granted access to. Payment is granted for the right to access and process the data, under consideration of the rights of the data subject (Art. 12-23) and the obligations of data processor and controller (Art.5-11). Contracts are used to specify this licensing.

b.) Who owns personal data?

Answer:

- Ownership of personal data is not defined, current academic view is that personal data cannot be owned (Recital 7 GDPR states that “*Natural persons should have control of their own personal data*”).
- Research is being done towards the ownership of data.