



contractor, specialised in social monitoring established in Gibraltar. It seems that some of its datacentres are located with Amazon in the US.

The external contractor proposes to use a monitoring tool available for 24/7 for one year covering at least 100 internet users who use the above-mentioned social media channels and who react on “Sailing with Kalypso”. The tool will provide various analytic functionalities and several categories of data will be analysed such as:

- the sentiment of the users (negative or positive)
- the most frequent words and topics,
- their engagement (likes, comments, quotes, shares, tweets, posts)
- their native language, gender and country of origin.

The users can be both public figures (journalists, influencers, academics etc.) and private individuals.

The Communications Department will analyse the information provided by the external contractor and prepare reports for the Director and for the Management Board. No names or surnames will be indicated in the reports.

The reports will also be available on the intranet and on the website of “Sailing with Kalypso”.

You understand that the whole project seems interesting, but there is a high risk that this will turn out to a scandal and that “Sailing with Kalypso” will be accused by the media of using a mass surveillance tool to “spy” on people. But both the Director and the Head of Communications are so eager to sail in the same dangerous boat.

### **Questions:**

1) The Communications Department is excited that the external contractor will use their super high-tech tool and do the job! The Head of Communication also reassures the Director that the above information to be extracted from the external contractor is not personal data. The institution does not process any

data itself, but merely outsources the task of social monitoring. Do you share the above view? How will you react?

2) Furthermore, the Head of Communication points out that there is no need for a legal basis, it is part of its daily tasks anyway and stresses with confidence that the above information is in any event publicly available from the internet users who have already accepted the terms and conditions of the different social platforms in which they participate and post comments, etc. What would be your reaction to the above statement? Do you think the Communications department is heading in the right direction?

3) The Director gives the green light to go ahead and asks you to be on board. Concerning the use of the external contractor, what should you consider in terms of data protection and security?

4) Do you think that the publication of the report on the intranet and on the website of “Sailing with Kalypso” is proportionate to the purpose for which the reports have been prepared? Why/why not?

5) Five people recognise tweets/posts that they published in the past about a press release of your institution. They believe that the way their tweets/posts are presented in the reports are inaccurate. They therefore contact “Sailing with Kalypso”, asking for a copy of all data that they have about them and for a rectification of their statements. The Head of Communication gets anxious because he will have to change the report and this is cumbersome. He sends the contact details of the external contractor to all five data subjects and tells them to submit their request directly to the external contractor, explaining that the institution is not in a position to satisfy their requests.

Who should the five people contact in order to be able to exercise their rights of access and rectification? The institution, the external contractor or both, and why?

