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Case Summary Five

Anonymous Client

The Client	The client is a Big Data application, which creates social heat maps for commercial use (e.g. for cab drivers). The company was financed through direct sales. The three founders working on the start up are based in Berlin.
Legal challenges	The client presented to the clinic with one question: Which laws are relevant to the aggregation and processing of location data of the users of social networks?
Advice	<p>The Alexander von Humboldt Institute for Internet and Society (HIIG) advised the client on the main areas of laws applicable to the aggregation and processing of location data collected from users of social networks:</p> <p>Firstly, the HIIG explained to the client that copyright law was an important aspect to consider.</p> <p>The HIIG advised the client that when a start-up uses the official API of social networks, it must apply the terms and conditions of use of the API. If a start-up uses crawling techniques to gather the data, it must therefore comply with copyright law (for example: No extraction of all data or, at least, a substantial part of the data base). The HIIG advised that this might lead to a breach of the terms and conditions provided for the official API.</p> <p>The HIIG also advised the client to comply with Data Protection laws. As location data is considered personal data, data protection laws are required to be complied with even if personal data is anonymised.</p> <p>In addition, given the client's business model, processing based on the consent of users can be controversial because their consent given (e.g. on Facebook) is most often illicit because it is too broad. This point was also flagged to the client.</p>



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**Quotes
from the
client**

"The Humboldt Institute for Internet & Society (HIIG), and in particular our legal mentor Max von Grafenstein, have provided us with nothing less than critical (as opposed to just valuable) research & information.

The understanding that we were able to gain from this remarkable experience was an underpinning to our business success."