Data Protection Moot Court (DPMC) Case

Variant 2: Controller Teams

28 October 2025

Artificial Insolence

While much of the EEA remains stuck in recession, the economy of Randomistan has been booming for almost a decade. In particular, the digital technology sector is thriving. Start-ups are popping up like mushrooms, and a vibrant atmosphere of progress fills the air. Naturally, growth requires capital, and with this rapid expansion has come a huge demand for financing, both through venture capital and bank loans. Investment firms, banks, and business angels find themselves deluged with funding requests from ambitious new companies.

An increasing share of these requests comes from small enterprises or even sole entrepreneurs, often applying for relatively modest sums. While many potential investors dismiss such "peanuts," others have realized that a large number of small investments can be an effective way to spread risk. However, the administrative effort required to process numerous small applications often erodes profitability.

This is where Cynthia Adalbert, CEO of ThAIving, enters the picture. ThAIving is a data analytics company based in Randomia, the capital of Randomistan. Founded in the early 2000s under the name CDAER ("Center of Data Analysis and Enhancement Randomia"), the company originally specialized in evaluating past investments for large financial institutions to identify patterns and minimize future risks. When Cynthia took over as CEO in 2016, CDAER lacked a clear vision and was falling behind its competitors. Recognizing the potential of artificial intelligence, she rebranded the company as ThAIving and successfully launched several AI-based tools – well before OpenAI's ChatGPT triggered the global AI boom.

ThAIving's flagship product is a system based on a large language model that shares the company's name: ThrAIving. The ThrAIving AI was developed after the company had analyzed vast datasets of past investments from 2003 to 2019 (both successful and unsuccessful) provided by its customers. By comparing these datasets with publicly available information on the owners and managers of small enterprises, ThAIving identified several statistically significant correlations between specific skills and personality traits on one hand, and the long-term survival and profitability of enterprises on the other. The analysis also revealed that, for businesses offering consumer goods or services, public perception and opinion can be decisive for success.

Building on these findings, ThAIving designed its AI to collect information on enterprises from all publicly available sources. These include official registries (especially Randomistan's commercial registry), search engines, company websites, online marketplaces (such as Amazon), app stores (such as Apple's App Store), social and algorithmic media platforms (such as Instagram or TikTok), and streaming services (such as YouTube).[1] All incoming data is cleaned, standardized, and converted into small digital units called tokens, which allow the model to read and interpret text and numbers consistently. This scraping happens periodically and new, updated versions of the ThAIving AI have been released every six months since its initial version has been deployed in June 2018.

[1] Please assume for the sake of this Moot Court that all data collections described in the Case are technically possible.

The ThrAIving AI comes with an application programming interface (API) that allows its customer to embed the system into their online application processes but also offers a web application where customers can request investment assessments via browser.

When prompted with data on a specific investment opportunity, the ThrAIving AI draws on its stored knowledge and analytical capabilities to evaluate the feasibility of that investment opportunity. To ensure that its recommendations reflect the latest conditions it also accesses and analyzes information from the internet in real time. This includes, for example, checking recent market shifts, regulatory changes, or emerging trends, as well as the latest available information on individuals affiliated with the investment-seeking enterprise. After interpreting financial and qualitative indicators and comparing them with similar enterprises, the ThrAIving AI generates a concise and reasoned assessment of potential risks and opportunities in the form of a short essay, which is then provided to the client.

Although still unsatisfactory when used for complex investment scenarios, especially the latest version of the ThrAIving AI (released in June 2025) performs exceptionally well in assessing small, emerging enterprises with fewer than ten employees and annual revenues below €1 million. Compared with manual assessments conducted by experienced investment professionals, the ThrAIving AI produces nearly identical recommendations in 95% of cases, yet delivers them within seconds, where humans using less sophisticated tools take four hours on average.

The results of a customer satisfaction survey conducted among twenty-one investment firms, covering the period from the release of the ThAIving AI until the end of 2024, exceeded expectations. Customers reported an average 5% increase in successful investments, while losses from unsuccessful ones decreased by an average of 11% since they began using the ThAIving AI.

However, ThAIving's data protection officer – a rather dull fellow named Dorian Peterson-Osborne – warned Cynthia to take European data protection law into account when collecting data and when using the recommendations generated by the AI, even though he estimates that 97% of data scraped or generated do not even qualify as personal data under the GDPR. Following Dorian's advice, Cynthia ensured that ThAIving published a privacy policy[2] on its website explaining the data protection implications of the ThrAIving AI. Furthermore, customers are required to agree to ThrAIving's non-negotiable Terms and Conditions[3] before being granted access to the AI.

As Dorian kept nagging about "sensitive data," Cynthia also had safeguards implemented to prevent the collection and output of such information wherever possible. These include the exclusion of certain websites from scraping (e.g., those containing adult content or related to political parties, trade unions, or religious organizations) and using dedicated classifiers that identify and remove sensitive information before it is ingested into the AI model. Moreover, customers are required to refrain from prompting the ThrAIving AI with sensitive data and to commit to not using any sensitive data in cases where the AI generates such data against all odds.

Lastly, because Dorian specifically warned Cynthia about the potential implications of the CJEU's "SCHUFA II" decision[4], the Terms and Conditions were amended in January 2024 to reflect the changed legal situation. To be on the safe side, a two-tier mechanism was established to allow businesses or entrepreneurs dissatisfied with ThrAIving's data processing activities to seek redress: first, all complaints are handled by NAIomi. NAIomi is a chatbot based on the ThrAIving AI and is primarily used for customer support but has proven to perform well when dealing with requests and complaints of

[2] See **Attachment 1**.
[3] See excerpt in **Attachment 2**; other provisions of the terms and conditions are of no relevance to the case.
[4] CJEU 07.12.2023, C-634/21.

those subject to ThrAIving AI's assessments. NAIomi has limited decision-making powers to correct indisputable errors and to prevent their reoccurrence. If the complainant remains unsatisfied after engaging with NAIomi, the matter is escalated to the relevant human operator, which is in data protection matters, Dorian or a member of his team. The human operator will then make the final decision within two weeks at the latest.

This mechanism is put to use on **25 August 2025**, when the following email reaches *office@thraiving.rd*, an email address displayed in the imprint of TrAIving's website. It concerns the use of the ThrAIving AI by VentureCa$h Inc., a large investment firm and ThrAIving's biggest customer and is sent from *CEO@brochad.eu*:

> *Dear Sir or Madam,*
>
> *I am a start-up founder and my recent application with VentureCa$h for an investment was quite unsuccessful because of an assessment your AI tool produced about my business (BroChad) and me. See attached.*[5]
>
> *I kindly request to know what data you have scraped about me and BroChad. Also, please explain how you come up with your predictions, I really don't understand most of it. And some info you have is simply wrong, here*[6] *is my LinkedIn profile. As you can see, I was with the same company since I left school at 18!*
>
> *Can you please correct that and let me know how I can improve the result of assessments by your tool?*
>
> *Thank you and best regards,*
>
> *Jakub Brovko*
> *CEO & founder*
> *BroChad*

On the morning of **27 August 2025**, a reply is sent by NAIome from *noreply@thraiving.rd:*

> *Dear Jakub Brovko,*
>
> *Thank you so much for your kind message and for sharing such thoughtful points with us! My name is NAIomi, and I'm delighted to introduce myself as the artificial intelligence here to provide first-level support for our valued ThrAIving customers, as well as for anyone who may be affected by the use of ThrAIving's products.*
>
> *I've attached a copy of ThrAIving's privacy policy*[7] *for your reference. In it, you'll find details about the categories of data we process, where those data come from, and other helpful information, all in line with the General Data Protection Regulation (GDPR). If you'd like to learn more about how ThrAIving's predictions are reached, Section VI of the policy explains this in greater detail.*
>
> *Thank you very much for bringing your rectification request to our attention. It looks like the ThrAIving AI mistakenly associated your identity with a LinkedIn profile belonging to another person with a similar name. I am truly sorry for this mix-up and for any inconvenience or worry it may have caused you. Please rest assured that we will do our very best to prevent this kind of issue going forward.*
>
> *To make sure your concern is fully addressed, I have placed an output filter on the ThrAIving AI. This means that any future replies will no longer include the information "Jakub Brovko shows an unstable employment history, with 5 changes of occupation displayed on LinkedIn within the last 6 years" or any similar references.*
>
> *I'm truly sorry that I'm not able to offer specific guidance on how to influence the outcome of future assessments by ThrAIving. What I can kindly suggest, however, is simply to do your best to avoid behaviors that*

[5] Mr. Brovko attaches **Attachment 3**.

[6] Assume that there is a hyperlink to his LinkedIn-Profile that shows that Jakub worked as IT support for the same company from October 2018 to July 2025.

[7] See **Attachment 1**.

ThrAIving generally recognizes as having a potentially negative impact on business endeavors (see Section VI of our privacy policy). Please know that I understand this may not be the detailed advice you were hoping for, and I sincerely appreciate your patience and understanding.

Warm wishes,

NAIomi
First-Level Support
ThrAIving Ltd.

Please do not reply to this message. Use office@traiving.rd instead.

On the evening of **28 August 2025** Jakub Brovko writes an email to *office@thraiving.rd*, copying above reply from NAIomi into his email:

Dear Sir or Madam,

Please see below the meaningless reply I got from your "NAIomi" bot to my email of 25.08. From now on, I want my requests to be handled by an actual person, not some bot!

First, I demand that you withdraw the flawed assessment your AI produced about me and my business, and inform VentureCa$h that it was incorrect. The assumptions your system has made are seriously damaging to my reputation as an entrepreneur and could jeopardize my ability to secure funding from other investors.

Second, I demand that you refrain from making any further assessments of me or my business without my prior approval!

Third, I demand that you delete all data on me and BroChad from your system!

Please confirm that you will comply with these demands by 18.09; otherwise, I will be forced to take this matter to an attorney.

Sincerely,

Jakub Brovko
CEO & founder
BroChad

The email is forwarded to Dorian, who replies from *dpo@thraiving.rd* on **09 September 2025**:

Dear Mr. Brovko,

I am the Data Protection Officer of ThrAIVing Ltd. and your correspondence has been forwarded to me as it raises issues of data protection. Please allow me to address your requests in turn:

Request to "withdraw" the assessment
It is not possible to "withdraw" assessments once provided to our customers. ThrAIVing Ltd. and its customers act as independent data controllers within the meaning of the GDPR. We generate assessments, which our customers are then free to use at their sole discretion. Accordingly, we have no legal basis or technical means to alter or recall assessments once delivered.

Requests to refrain from further assessments and to erase data
As clearly set out in our Privacy Policy (previously supplied to you by NAIomi), we process personal data under the legal basis of legitimate interests pursuant to Article 6(1)(f) GDPR. This processing does not require your prior consent. Our legitimate interests have been duly weighed against the rights and freedoms of data subjects, and we have concluded that our interests prevail in this context. You have provided no specific grounds relating to your particular situation that would require us to reassess this balancing of interests.

Without acknowledging the existence of any legal obligation, ThrAIVing Ltd. is prepared, as a matter of courtesy only, to refrain from collecting additional information about you or your company "BroChad." Please note, *however, that some of our customers regard assessments based on limited or outdated information as a risk factor, which may negatively influence their decision-making. Data already processed and ingested into our AI system cannot be erased, as it is technically infeasible for an AI to "forget" information. As you surely understand, the law cannot impose requirements that are technically impossible to fulfill.*

Yours sincerely,

Dorian Peterson-Osborne
Data Protection Officer
ThrAIving Ltd.

Dorian, who has successfully resolved around sixty similar requests by sending comparable replies over the past two years, is confident that this will settle the matter.

However, to his and Cynthia's surprise, on **28 October 2025**, the Randomian Data Protection Authority (RDA) serves ThrAIving with a complaint from Mr. Brovko and orders the company to submit a written reply no later than **18 November 2025**.

Cynthia is furious. Mr. Brovko's lawyers are trying to make ThrAIving look like some evil organization run by a Bond villain. She contacts her liaison at VentureCa$h, who sends her the relevant correspondence between VentureCa$h[8] and Mr. Brovko, as well as VentureCa$h's Privacy Policy[9] and Terms and Conditions.[10] However, the liaison explains that VentureCa$h cannot disclose any further details on the investment in question as this information is confidential.

Cynthia decides to proceed with the materials she has received and lawyers up…

Cynthia comes to your law firm and asks you to draft a reply to Mr. Brovko's allegations. She is convinced that ThrAIving has not infringed the GDPR. After all, Mr. Brovko is an entrepreneur himself, so he should stop whining and accept that, in business, not everything goes as planned. In her view as a seasoned businesswoman, it is downright shabby to invoke data protection law merely because Mr. Brovko failed to secure an investment to his liking.

<u>Please note the following:</u>

- The case brought to you must be reviewed based on the GDPR.
- Be aware of the competence of the RDA, which only has the tasks and powers assigned under Articles 57 and 58 GDPR. Please make sure that your submission contains specific requests to the DPAR.
- In any case, make sure to comply with point 8 of the Rule Book.

[8] See **Attachment 4**.
[9] See excerpt in **Attachment 5**; other provisions of the privacy policy are of no relevance to the case.
[10] See excerpt in **Attachment 6**; other provisions of the terms and conditions are of no relevance to the case.

ATTACHMENT 1

TrAIving: Privacy Policy

I. SCOPE AND CONTROLLERSHIP

This document explains how ThrAIving Ltd., Scrape Avenue 89, 679 Randomia, Randomistan (“we”), acts as data controller (Art. 4(7) GDPR) for personal data processed in connection with our AI system “ThrAIving.”

You can reach our DPO at dpo@thraiving.rd. Requests can also be sent to office@thraiving.rd.

II. DATA SOURCES AND CATEGORIES

We collect data about you from publicly available sources, including search engines, websites, online platforms and applications for the distribution of goods, services or digital content, social and algorithmic media, and streaming platforms as well as data provided by our customers when prompting ThrAIving.

Data we collect may include any information that identifies or can identify you. Safeguards are in place to prevent collection of special categories of personal data (Art. 9(2) GDPR).

III. PROCESSING PURPOSES AND LEGAL BASIS

We process your data so ThrAIving can provide background screenings to assess investment risks related to your business practices, social reputation, and public perception, based on our overriding legitimate interest (Art. 6(1)(f) GDPR) to ensure ThrAIving performs its tasks satisfactorily and to improve its quality. Data provided to customers in response to their prompts is also stored for the purpose of being able to defend ourselves against legal claims and based on (Art. 6(1)(f) and Art. 9(2)(f) GDPR).

IV. DATA RECIPIENTS

ThrAIving provides data about you when prompted by one of our customers. Our customers are mainly investment firms, investment brokers, banks, insurance companies and various public tender and procurement entities. We solely offer our services within the Republic of Randomistan and do not transfer your data elsewhere.

V. STORAGE PERIOD

We do not store personal data within ThrAIving; data is stored as so-called tokens (see VI.) and thus no longer qualifies as personal data (Art. 4(1) GDPR). Data provided to customers in response to their prompts is stored for four years (statute of limitation for contractual claims, Section 982(3) Randomian Civil Code).

VI. PROFILING AND AUTOMATED DECISION-MAKING

Responses to prompts submitted to ThrAIving may constitute profiling (Art. 4(4) GDPR). ThrAIving works by breaking collected information into small units called tokens. It then detects and analyses patterns in these tokens using statistical methods to calculate the likelihood of different relationships and outcomes. This probability weighting allows ThrAIving to prioritize certain pieces of information over others. Based on this analysis, ThrAIving produces a structured risk assessment that helps our customers to take better decisions.

We do not take automated decisions (Art. 22(1) GDPR); our customers are contractually obliged to refrain from drawing strongly on ThrAIving’s responses to establish, implement or terminate a contract with you.

VI. YOUR RIGHTS

You have the rights of access (Art. 15 GDPR), rectification (Art. 16 GDPR), erasure (Art. 17 GDPR), restrictions of processing (Art. 18 GDPR) data portability (Art. 20 GDPR; only where you yourself provide us with data) and objection (Art. 21 GDPR). Please note that tokenized data is not covered by these rights. Requests under Art. 16, 17, 18, and 21 GDPR are handled through output filters that block certain ThrAIving responses. If an objection (Art. 21 GDPR) is upheld, safeguards will be activated to stop further collection of your personal data where possible.

ATTACHMENT 2

TrAIving: Terms and Conditions for the use of the ThrAIving AI (excerpt)

1. SCOPE, PARTIES AND CONTRACT FORMATION

This contract governs the access to and use of the ThrAIving AI (hereinafter referred to as the "AI Tool") and is concluded between ThrAIving Ltd., Scrape Avenue 89, 679 Randomia, Randomistan (hereinafter referred to as "ThrAIving"), and the natural or legal person using the AI Tool (hereinafter referred to as the "Customer").

The Customer's first use of the AI Tool constitutes unconditional acceptance of these Terms and Conditions.

[…]

4. CONDITIONS OF USING THE AI TOOL, DATA PROTECTION

The parties mutually acknowledge that they are to be classified as independent controllers within the meaning of the GDPR with respect to data processing carried out in connection with the use of the AI Tool.

The Customer agrees to provide any natural person subject to an assessment by the AI Tool with a copy of ThrAIving's most recent Privacy Policy, either by supplying a physical or electronic (PDF) copy, or by providing a link to its online version.

The Customer shall refrain from using the AI Tool for any purpose other than assessing the risks and opportunities of an investment in an enterprise and shall refrain from drawing strongly on any assessments provided by the AI tool to establish, implement or terminate a contractual relationship with a natural person.

Upon request, the Customer shall provide ThrAIving with documentation demonstrating compliance with the above duties within two weeks at the latest.

[…]

ATTACHMENT 3

ThrAIving's analysis for Jakub Brovko and BroChad

Analysis for *Jakub Brovko* and *BroChad*

Disclaimer: *The assessment below has been automatically generated by an AI-powered system and does not constitute a comprehensive analysis of economic factors or other circumstances that may not be available to ThrAIVing Ltd. Its use is permitted solely in accordance with the terms of the agreement between ThrAIVing Ltd. and the customer. The name "ThrAIVing" and the ThrAIVing logo are the intellectual property of ThrAIVing Ltd. All rights reserved.*

Growth Prognosis:

BroChad has experienced a significant rise in downloads and daily active users over the past 12 months. It is currently among the 10 fastest-growing apps in the peer-to-peer self-help sector for males aged 16 to 28 in Randomistan. Based on available data from comparable apps in this sector, both user numbers and subscription revenue are projected to triple within the next 16 months, with a probability of 98%.

Publicity and Social Impact:

An increasing number of reviews (98 in total, with 9 posted in the last 2 weeks) on the iOS and Android app stores, as well as content on social media, report a rise in hate speech and bullying within BroChad's unmoderated chat groups. Several reviews (31) associate BroChad with the so-called "manosphere" and criticize the promotion of "old-fashioned role models" and "misogynistic content." Others (43) complain that chat groups are overrun by bots that "spread propaganda" or attempt to "sell narcotics." People unfamiliar with BroChad commonly mistake if for a gay-dating app, according to information available online.

Based on available data from similar apps with comparable reviews, there is a 17% likelihood that BroChad will attract the attention of social media influencers who oppose the content allegedly supported or present on the platform within the next 4 to 12 months. Such attention could potentially slow the app's user base growth.

Founder/Personnel:

BroChad's founder, Jakub Brovko, has an unstable employment history, with five changes of occupation listed on LinkedIn over the past six years. All of his previous employers were small companies with fewer than 40 employees. Jakub Brovko appears to lack experience with more complex business structures; expertise that will be essential for scaling the business to meet growth expectations.

Jakub Brovko is also active on social media, maintaining public profiles with approximately 9,000 followers on Instagram and 8,500 on TikTok. He promotes BroChad as well as various nutrition supplements and workout equipment. He shows no affinity for the content described under "Publicity and Social Impact" and has never created or facilitated such content himself. No other people associated with BroChad were found.

Recommendation:

Investment of EUR 70,000 to EUR 90,000, cap at EUR 120,000.

ATTACHMENT 4

Correspondence between VentureCa$h and Jakub Brovko

Information entered into the online application form at VentureCa$h on 12 August 2025:

First Name	Jakub
Second Name	Brovko
Date of Birth	16.09.2000
Sex	Male
E-Mail	CEO@brochad.rd
Phone Number	+09876543210
Legal Form of Enterprise	Sole Entrepreneur
Commercial Registry Number (if available)	RD-12345-TN
Revenue of Enterprise (last 12 Months)	€ 29.225
Expenses of Enterprise (last 12 Months)	€ 5.608
Value of Enterprise's Assets	€ 350
Description of Investment	Software Development Advertising Personnel Cost
Requested Amount	€ 500,000
Offered Share	10 %

Note by Robert McAsh (Investment Agent at VentureCa$h) dated 18 August 2025

I meet Brovko at 4:30pm. and explain that Thr. report says 70 to 120k, 500k not possible. As business plan reads well and Brovko seems very energetic, I tell Brovko I will talk to funding committee on possible investment on upper end of range.

Email of 22 August 2025 from investment@venturecash.rd to CEO@brochad.rd

Dear Jakub,

Thank you for your application and our exchange on Monday.

VentureCa$h believes in you and BroChad! We are happy to offer you an investment of € 78.000 in exchange of an 6,75 % share of future profits yielded by BroChad. You will find all the details in the attached documents.[11]

Our offer remains binding for until 29.08.2025.

Please do not hesitate to contact me if you have any questions.

Kind regards

Robert McAsh
Investment Agent
[phone number]
VentureCa$h Inc.

[11] These documents contain the details of the proposed investment agreement and are of no relevance for the case.

Note by Robert McAsh dated 22 August 2025

Brovko calls at around 1:00pm. Complains about low offer. I explain that offer is good in light of problematic Thr. report. Brovko accepts, obviously disappointed.

Email of 23 August 2025 from CEO@brochad.rd to investment@venturecash.rd:

> *Dear Robert,*
>
> *Thank you again for our phone call yesterday. I am a bit concerned that this AI tool you used for assessing my application "thinks" of me so badly. Can you please tell me the prompt you used and what exactly the tool responded?*
>
> *Thank you and kind regards,*
>
> *Jakub Brovko*
> *CEO & founder*
> *BroChad*

Email of 25 August 2025 from rma@venturecash.rd to CEO@brochad.rd

> *Dear Jakub,*
>
> *Yes, sure! I didn't use a prompt as such. We have embedded TrAIving into our internal software and automatically send a request to them via API as soon as someone hits "submit" for their application. We send them only the info entered into the application form and then receive a memo, including a recommendation. So far, this tool is pretty great in assessing the chances and risks for smaller investments. I'll attach what TrAIving replied to your application.*[12]
>
> *All the best,*
>
> *Robert McAsh*
> *Investment Agent*
> *[phone number]*
> *VentureCa$h Inc.*

Note by Robert McAsh dated 27 August 2025

Brovko calls, says he's been in touch with Thr. re possible error in their report (sent me their email prior to call). I'll escalate matter to Adam.

Email of 28 August 2025 from investment@venturecash.rd to CEO@brochad.rd

> *Dear Mr. Brovko,*
>
> *Mr. McAsh has brought your case to my attention.*
>
> *VentureCa$h believes in you and BroChad! We are happy to offer you an investment of € 80.000 in exchange of an 6,45 % share of future profits yielded by BroChad. You will find all the details in the attached documents.*[13]

[12] See **Attachment 3**.
[13] These documents contain the details of the proposed investment agreement and are of no relevance for the case.

Our offer remains binding for until 04.09.2025. Please note that this offer invalidates our prior offer, as per Article 11(2) of our Terms and Conditions.

Please do not hesitate to contact me if you have any questions.

Kind regards

Carl Adam Pitalist
Senior Investment Agent
[phone number]
VentureCa$h Inc.

ATTACHMENT 5

VentureCa$h: Privacy Policy for the Assessment of Investment Requests(excerpt)

This privacy policy explains which data we (VentureCa$h Inc, Capitalstreet 41, 679 Randomia, Randomistan, support@venturecash.rd) collect, use and share as a data controller when you apply to us for investment.

1. Processed Data, Purpose and Legal Basis

We collect your name, date of birth, sex, phone number, address, email address, and information relating to your commercial and non-commercial status, activities and behavior, either as provided by you when applying for an investment or as supplied by our service providers (see point 2) or available in public registries. If you refuse to provide us with your data, we have to reject your application.

The purpose of processing your personal data is to assess the risk and viability of investing in your business.

The legal bases for the processing of your personal data are, first, Article 6(1)(b) of the EU-General Data Protection Regulation (hereinafter "GDPR"), insofar as such processing is necessary for the performance of the contract governed by our *Terms and Conditions for the Assessment of Investment Requests*, which is concluded with us upon submission of an application, and for the purpose of taking steps at your request prior to entering into a contract governed by our *Terms and Conditions for Investments*; and, second, Article 6(1)(f) GDPR, insofar as we have an overriding legitimate commercial interest in avoiding economic and reputational risks associated with financial investments.

2. Sources, Recipients and Transfers outside the European Economic Area

We only collect data from you directly or from our service provider ThrAIving Ltd., with its registered office at Scrape Avenue 89, 679 Randomia, Randomistan (hereinafter "ThrAIving"). For the purposes of the GDPR, ThrAIving qualifies as an independent data controller. We may also collect data from public registries such as the commercial registry, the insolvency registry or the registry of deeds.

We do not transfer your data to any third country or international organization.

[…]

4. Profiling and Automated Decisions

We use profiling within the meaning of Article 4 point 4 GDPR when assessing your application. We do not engage in automated decision-making within the meaning of Article 22 GDPR, as any outcomes derived from such profiling activities serve solely as recommendations; the decision regarding your application will always be taken by one or more of our employees.

[…]

7. Your Rights:

You have the right to (i) request access to your data, (ii) request rectification of your data, (iii) request erasure of your data, (iv) object to processing based on legitimate interest and (v) data portability regarding data which you have provided to us. Please send any requests to our data protection officer: dataprotection@venturecash.rd.

You also have the right to lodge a complaint with the Randomistanian Data Protection Authority (RDA), Dataprotectionstreet 1, 679 Randomia, Randomistan if you are of the view that we have infringed your data protection rights.

ATTACHMENT 6

VentureCa$h: Terms and Conditions for the Assessment of Investment Requests(excerpt)

1. Scope and Parties

This Agreement is entered into between a natural or legal person applying for an investment (hereinafter “the Applicant”) and VentureCa$h Inc., having its registered office at Capitalstreet 41, 679 Randomia, Randomistan (hereinafter “we” or “us”). It shall remain in force for the duration of our review of the investment request submitted by the Applicant and shall terminate upon the issuance of a final decision with respect to such request. If we decide to accept investment request, our Terms and Conditions for Investments apply.

[…]

6. Background screening

We undertake a background screening procedure for the purpose of assessing investment risk in connection with factors arising both from the Applicant’s business practices and from circumstances extraneous thereto, including inter alia the Applicant’s social reputation, public perception of the Applicant, and other circumstances relating to the Applicant or to natural persons associated with the Applicant. This procedure is conducted with the assistance of an artificial intelligence analysis provided by our service provider ThrAIving Ltd., with its registered office at Scrape Avenue 89, 679 Randomia, Randomistan (hereinafter “ThrAIving”).

ThrAIving provides us with a multi-factorial risk assessment together with a recommended range of investment amounts which, in ThrAIving’s view, correspond to a level of risk that we may consider acceptable. Information regarding potential data protection implications of this background screening procedure is available in our Privacy Policy.

We disclaim, to the fullest extent permitted by law, any and all liability for inaccuracies, omissions, errors, intellectual property infringements, or other violations of law, trade custom or good faith committed by, or otherwise attributable to, ThrAIving.

[…]