Data Protection Moot Court (DPMC) Case

Variant 1: Data Subject Teams

6 October 2025

Artificial Insolence

At 25, Jakub Brovko can finally call himself a tech entrepreneur. In July 2025, monthly revenue from his BroChad app surpassed the €4,000 mark, giving him the confidence to go "all in" and quit his job as an IT support specialist at a local SME.

BroChad is a chat app available for both Android and iOS that connects young men seeking advice on topics such as dating, fitness, nutrition, gaming, mental health, and travel. The platform does not generate its own content; instead, it focuses entirely on peer-to-peer interaction, either in open group chats accessible to all users or in private conversations between two or more participants. Access to BroChad is subscription-based, with users paying between €7 and €10 per month. The app is run solely by Jakub, who registered his business in the commercial registry of Randomistan for this purpose. In addition to subscription revenue, Jakub earns a modest €150 to 300 per month through his social media accounts by promoting food supplements and workout equipment via affiliate links.

Naturally, Jakub wants to scale up. After all, his goal is to become a billionaire by the age of 30! To add new features to BroChad and accelerate its user growth, he needs capital. On **12 August 2025**, aware that securing a bank loan would likely mean crippling interest rates, Jakub submitts an application for a €500,000 investment to VentureCa$h, an international venture capital firm specializing in green tech, medical devices, and internet technology. He completes the online form truthfully, providing the following information

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 %

As requested, he attaches a PDF-document with BroChad's business plan. Prior to submitting his application, Jakob accepts the **Terms and Conditions**[1] of VentureCa$h and acknowledges to have been provided with its **Privacy Policy**.[2]

On **15 August 2025**, an employee of VentureCa$h calls Jakub and invites him to an interview on **18 August 2025** . Jakub spends the weekend practicing his pitch talk.

The interview starts off well. The VentureCa$h employee conducting it – a man in his late twenties called Robert – is in fact a regular BroChad user himself. After hearing Jakub's pitch, Robert admits that if it were up to him, he would "hand out 500K in cash right now." Unfortunately, he explains that TrAIving, the AI-powered tool VentureCa$h uses to assess investment risks and opportunities, recommended a much lower investment in the range of €70,000 to €120,000. As a result, VentureCa$h will have to reject Jakub's application for €500,000. However, Robert assures Jakub that he will do his best to persuade the funding committee – the body with the final say in such matters – to approve an investment at the upper end of the proposed range. He promises to be in touch with Jakub soon with the final decision.

Jakub is disappointed. While he didn't expect to receive the full €500,000, his network of fellow startup founders had led him to believe that an investment between €350,000 and €425,000 would have been realistic.

On **22 August 2025** Jakub receives the following email from *investment@venturecash.rd*:

> *Dear Jakub,*
>
> *Thank you for your application and our exchange on Monday.*
>
> *VentureCa$h believes in you and BroChad! We are happy to offer you an investment of € 78.000 in exchange of an 6,75 % share of future profits yielded by BroChad. You will find all the details in the attached documents.*[3]
>
> *Our offer remains binding for until 29.08.2025.*
>
> *Please do not hesitate to contact me if you have any questions.*
>
> *Kind regards*
>
> *Robert McAsh*
> *Investment Agent*
> *[phone number]*
> *VentureCa$h Inc.*

Now Jakub is truly disappointed. He immediately calls Robert to ask why the offer was so low and whether there was anything he could do to persuade the funding committee to reconsider. Robert explains that such efforts would likely be futile: the committee was deeply concerned about TrAIving's report and had even considered an outright rejection of the application. Jakub should consider himself fortunate that they accepted at all, and even offered more than €70,000. Although Jakub is growing increasingly frustrated with the whole TrAIving situation, he decides to let it slide for now, fearing that pressing the issue might lead VentureCa$h to withdraw their offer entirely.

However, if VentureCa$h can harness the power of AI, so can Jakub! That evening, he prompts several LLMs with questions to the legality of AI tools for investment screening and he receives the information

[1] See excerpt in **Attachment 1**; other provisions of the terms and conditions are of no relevance to the case.
[2] see excerpt in **Attachment 2**; other provisions of the privacy policy are of no relevance to the case.
[3] These documents contain the details of the proposed investment agreement and are of no relevance for the case.

that under EU legislation on data protection and artificial intelligence he has the right to be informed about the use of AI tools and can possibly even challenge decisions that have been based on such tools.

Therefore, on **23 August 2025** he sends the following message 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

On **25 August 2025**, he receives a reply from *rma@venturecash.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 information 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.[4]

All the best,

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

Jakub is downright shocked by what TrAIving says about him. He had assumed the AI tool was assessing BroChad purely from an economic perspective. Instead, it appears to be using all kinds of information that have little or nothing to do with BroChad's business model. How could he possibly be held responsible for what others say in private chat groups? On top of that, he had worked at the same company for nearly seven years before quitting. Surely they must have gotten something wrong!

He finds an email address in the imprint of TrAIving's website but no phone number. Resisting his growing frustration, Jakub immediately sends a polite email to office@thraiving.rd:

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]

[4] See **Attachment 3**.

[5] He attaches Attachment 3.

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 **27 August 2025**, he receives a reply 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 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.

Jakub, with the uncanny feeling that he has stepped into an episode of *Black Mirror*, forwards the message to rma@venturecash.rd. An hour later, he calls Robert to ask whether the funding committee might reconsider their offer in light of TrAIving's apparent error regarding his employment history. Robert promises to get back to him as soon as possible.

On **28 August 2025** Jakub receives a message from *investment@venturecash.rd*:

[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 4**.

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.[8]

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.

That does it for Jakub. He will not share more than 6% of future profits for a meager € 80.000! He will not accept that some stupid AI decides whether investment firms believe in BroChad !

He writes another message to office@thraiving.rd, copying the 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

On **09 September 2025**, Jakub receives a reply from *dpo@thraiving.rd*:

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

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

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
ThrAlving Ltd.

The insolence of that reply! He decides to lawyer up…

Jakub comes to your law firm and asks you to ensure that BroChad's economic interests are safeguarded against – as he puts it – "future AI shenanigans". You explain that complaints before the Randomian Data Protection Authority of (RDA) can possibly be lodged against both VentureCa$h and TrAIving. However, when made aware of your staggering hourly fees, Jakub asks you to only target TrAIving.

Please note the following:

- Assume that the terms and conditions of VentureCa$h are lawful under European consumer protection law and the law of Randomistan.
- The case brought to you must be reviewed based on the GDPR, and your complaint must be drafted in accordance with Article 77 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 complaint contains specific requests to the DPAR.
- In any case, make sure to comply with point 8 of the Rule Book.

ATTACHMENT 1

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.

[…]

ATTACHMENT 2

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 3

Attachment to Robert McAsh's email of 25 August 2025

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.*

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

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(1)(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.