



The Rule Book

Third Edition

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1. Introduction

1.1. General

The Data Protection Moot Court (the “DPMC”) is a competition for students or recent law school graduates (the “Participants”) in a fictional procedure before a supervisory authority within the meaning of Articles 4(21) and 51 of REGULATION (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (“GDPR”). It consists of a written and an oral phase and aims to apply European Union data protection law to a fictional case (the “Case”).

The DPMC aims to cultivate interest in data protection law in students and recent graduates, serving as an educational tool in the form of a competition and challenging them to engage in legal research, develop arguments, and articulate legal reasoning in their assigned roles.

The DPMC is organized and carried out on a voluntary basis by Directors with the support of the Department of Innovation and Digitalisation in Law, Faculty of Law, University of Vienna (the “Department”).

1.2. Venue and language

The DPMC takes place remotely only and is conducted in English. The connecting platform tool is announced to Participants after their applications have been accepted.

1.3. Contact

Any communication regarding the DPMC, besides the actual oral hearings, is per email only: dataprotectionmoot.id@univie.ac.at.

2. Organisation and roles

2.1. Founders and Directors

The DPMC was founded by a team of data protection lawyers (the “Founders”) and is currently managed by several professionals working in the field of data protection (the “Directors”). Details on these persons can be found on the DPMC’s website.

The Directors are responsible of the Case and are responsible for content. Their engagement for the DPMC is pro bono and unrelated to their professional activities.

The Directors have discretion to regulate any circumstances not covered by these rules. Decisions made by the Directors in this regard will aim for fairness and the best interest of the DPMC.

The Directors are kindly supported by the Department of Innovation and Digitalisation in Law of the University of Vienna.

2.2. Administration

The administration team (the “Administration”) performs tasks in relation with the DPMC, which mainly consist of communicating with the Participants and their Coaches (see point 2.4.) and Jury members (see point 2.5.), receiving and pre-assessing applications (see point 4.) and ensuring the smooth flow of the oral hearings (see point 9.). Details on the administration team can be found on the DPMC’s website.

2.3. Teams

Participants in the DPMC are organized in teams, which consist of three Participants per team (the “Teams”). The Teams represent either the role of the data subject (the “Data Subject Teams”) or the controller (the “Controller Teams”). Participants can apply as a Team. Already formed Teams have the possibility to suggest a coach (see point 2.4.). Participants can also apply as individuals. Individual participants will be formed into Teams of three and a coach will be assigned by the Administration. A Participant can only be a member of one Team.

The maximum number of Teams is sixteen. If less than four Teams apply, the DPMC cannot take place.

2.4. Coaches

Each Team is supported by an individual coach (the “Coaches”). Coaches must have a profound knowledge of European data protection law and an excellent command of English. A Coach cannot support more than one Team. The Administration can reject a Coach suggested by a Team.

The Coaches’ role is to support the Teams in their learning phase. The precise manner and extent of collaboration between Teams and Coaches is subject to their agreement. In any case, Coaches are expected to discuss the Case with their Team and offer them advice on their legal submission and support the team in their preparation of the oral hearings.

Coaches must not draft to any extent written submissions or parts thereof. In this regard, a direct involvement of the Coaches leading to an advantage for their Team might be subject to a disciplinary process by the discretion of the Directors.

2.5. Jury

A jury, representing a fictional supervisory authority, consists of up to three lawyers and presides over each oral hearing and forms the decision chamber of a fictional supervisory authority (the “Jury”). Each Jury consists of one of Directors and external Jury members.

External Jury members are experts in the field of data protection law (e.g. members of EEA supervisory authorities, judges, attorneys or university professors) (the “External Jury Members”). The External Jury Members must have no conflicts of interest and an excellent command of English.

The composition of the respective Jury varies for each oral hearing (see point 9.).

For the Final Hearing (see point 9.4.), the Directors may decide to have a larger jury of up to five lawyers preside over the hearing.

2.6. Supporters and Sponsors

The DPMC is supported and sponsored by voluntary contributions of different stakeholders (the “Supporters” and “Sponsors”). Their in-kind/monetary contributions support the administration and organizational as well as promotional activities in relation to the DPMC.

The details, terms and conditions of the sponsorship are subject to an agreement between the Department and the Sponsors.

3. Timeline and deadlines

A detailed timeline of each edition of the DPMC, including a chronological overview of the steps of the DPMC, is provided on the website.

4. Application and Acceptance

4.1. Requirements

Applications for and the participation in the DPMC are free of charge.

Applicants must be students or recent graduates, up to the Master's level or equivalent and have a keen interest and robust understanding of European data protection law. Recent graduates may apply provided their graduation was after 01.10.2023.

Applicants can apply as a Team of three individuals or as individual Participants. A Team can consist of students/graduates from different or same law schools.

Applicants must apply by using the online form on the DPMC's website. Applications not using the online form will not be considered.

Applications must contain the following documents/information:

- Curriculum vitae of each applicant, merged into one PDF.
- Email address(es) for communication in connection with the DPMC.
- Motivation statement for participation.
- Proof of the support commitment of a suitable Coach (e.g. an email promising support) and the Coach's curriculum vitae, contact details and affiliation.

By applying, Applicants pledge to comply with this Rule Book and accept that any unacceptable conduct (e.g. insults, rude language, repeated interruptions, etc) can lead to deduction of points subject to the rules set out in point 9 and 10., and – in extreme cases – exclusion of the whole Team from the DPMC.

4.2. Acceptance criteria

The Directors decide which applicants to accept as Participants. They apply the following criteria:

- Relevant experience, if any.
- Command of English.
- Aim to establish a diverse and well-balanced mix of Teams/Participants from different universities/affiliations.
- Aim of balanced gender distribution among the Teams/Participants.

The applicants will be informed via email whether their application has been accepted.

Unsuccessful applicants are encouraged to apply again for later editions of the DPMC.

5. Teams composition

5.1. Assignment of roles

Each accepted Team either represents the data subject (Data Subject Teams) or the controller (Controller Teams). The Directors allocate each team to that of a Data Subject Team or a Controller Team.

Each team will randomly be assigned a number – odd numbers for Data Subject Teams, even numbers for Controller Teams. Team 1 will compete against team 2, team 3 against team 4 and so on.

5.2. Modification of Team composition in exceptional circumstances

In case of unexpected unavailability of individual Participants, the Teams have to inform the administrative team as soon as possible and suggest a potential replacement Participant, if possible. The Directors decide if they accept a replacement Participant suggested by the Teams or assign another Participant to the Team.

In cases of unexpected unavailability of a Participant for an oral hearing, the Directors can also decide to accept that the Team participates with only two Participants. However, it is not possible to introduce new Participants that only enter the DPMC at the point of the oral hearing.

6. Introductory meeting

The introductory meeting aims to officially kick-off the DPMC, introduce all stakeholders, and address open questions/issues. It takes place on a video conference platform. At least one Participant of each Team is required to attend the introductory meeting although attendance of each Participant is highly recommended. Coaches and External Jury Members are also invited to attend.

7. The Case

7.1. General

The Case is a purely fictional scenario written for each edition of the DPMC. It aims to include current and controversial legal issues in the field of data protection and digital rights. The Case must remain as confidential information for those entitled to access it during the entire duration of the DPMC. After conclusion of the DPMC, the Case will be published online under a CC BY-NC license.

7.2. One Case, two variants

There are two versions of the Case, one for the Data Subject Teams and one for the Controller Teams. The versions are the same to a large extent but contain some differences in order to realistically portray the information imbalance common in data protection cases – a controller very often possesses information that the data subject does not have and vice versa.

The secrecy of the Case variants is crucial for the DPMC to function. Therefore, disclosure of the Case variant of the Data Subject Teams to a Controller Team and vice versa leads to immediate exclusion of the Teams and Coaches actively involved in the act of disclosure.

7.3. Requests for clarification

After receiving the Case, the Teams have one week to ask for clarifications on the Case (via email to dataprotectionmoot.id@univie.ac.at (see timeline in point 3.)) Each team is limited to three questions.

The Directors reply to each question by sending the questions with a reply to each team of the same role.

7.4. Knowledge of External Jury Members

The External Jury Members will be provided with both variants of the Case as well as the written submissions of the Teams.

8. Written Submissions

There is only one round of written submissions prior to the oral hearing. Each Data Subject Team drafts and submits a complaint and the respective competing Controller Team drafts and submits a reply to that complaint. Complaints and replies must not be shared with other teams (or their Coaches), regardless of their role.

All written submissions must comply with the following rules:

- Font: Times New Roman;
- Justified text only;
- Font Size: 11pt;
 - o headlines must be between 11 and 16pt;
 - o footnotes must be 10pt;
- Line spacing: 1.5 lines;
- Normal spacing between characters;
- Margins: Top, Left, Right: 2,5 cm, Bottom: 2 cm;
- Min. 6 and max. 10 pages, not including cover page
- Cover page may be designed freely (no rules on font, etc.)
- It is allowed to paste pictures, screenshots, etc. into the submission;
- Only common abbreviations (such as “GDPR”); other abbreviations must be explained in the text or in footnotes. Abbreviations must not inhibit the readability of the submission and should not be used as a means to circumvent the rules on the maximum page number.
- Submissions must be sent as doc or docx files (not as a PDF);
- Only the GDPR and other acts of European Union data protection law may be applied; national law that might apply on the case must be ignored. Regulatory guidance of the European Data Protection Board (or its predecessor, the Article 29 working party) may be mentioned and used as a tool of interpretation.
- Regulatory guidance of national supervisory authorities or case law by supervisory authorities or courts can be used if properly quoted and publicly available.
- Up to 3 exhibits may be attached to each submission. Each exhibits must have no more than 2 pages and 2 MB and be in PDF, JPEG or a Microsoft Word or Microsoft Excel readable file format.

All submissions must be sent to dataprotectionmoot.id@univie.ac.at and include all exhibits as separate attachments. The subject of the email should include the Team number, as should the submission paper. Submissions sent after the deadline or that do not comply with the formal requirements outlined above are evaluated negatively (see 10.1.) and are by default not be considered for any award of best submission.

9. Oral Hearings

9.1. General

There is one hearing for each pairing of competing teams (e.g. team 1 v. team 2) and a final hearing where the Data Subject Team competes against the best Controller Team. All hearings take place within a short time (two weeks max.) to ensure that all teams have approximately equal time to prepare for their hearing. The hearing takes place on a video conference platform and will take approximately 1.5 to 2 hours.

9.2. Persons Attending the Hearing and their Tasks

The following persons attend the relevant oral hearing and must use the following name structure in the name field of the video conferencing platform:

Person attending	Name structure	Task(s)
Each Participant of the relevant Data Subject Team	Team number + name (e.g. "3 Steven Student")	Arguing their case
Each Participant of the relevant Controller Team	Team number + name (e.g. "4 Paula Participant")	Arguing their case
Coaches	C + team number + name (e.g. "C3 Andrew Attorney")	Watching and listening silently
Director who is a Jury member	JURY + name (e.g. "JURY Marco Blocher")	Guiding through the oral hearing, asking questions to Participants, taking notes for evaluation
External Jury Members	JURY + name (e.g. "JURY Judy Judge")	Asking questions to Participants, taking notes for evaluation
Directors which are not Jury members	D + name (e.g. "D Paul Reisinger")	Timekeeping, taking screenshots (see data protection notice on the DPMC's website), taking notes for evaluation
Members of the administration	A + name (e.g. "A Anna Admin")	Watching and listening silently

Persons other than those mentioned in the above table may not attend the oral hearing.

Each Participant must use their own device. Multiple Participants may not share a device for the hearing – and as such it is strongly recommended to not physically share a room. Participants are required to use an up-to-date device (computer with webcam, laptop, smartphone or tablet) and a stable internet connection in order to ensure proper video and sound quality. Each Team should indicate the Team number and name of the Participant when connecting to the video conference platform.

9.3. Procedure

The Director sitting in the Jury guides the teams through the oral hearing as such, which consists of the following steps:

1. **Opening:** The Director sitting in the Jury formally opens the oral hearing and asks the Data Subject team to provide their oral plea.
2. **Complainant's plea:** The Data Subject Team provides their oral plea, which must be no shorter than 10 minutes and no longer than 15 minutes. All Participants should speak equally long; significant imbalances in speaking duration will negatively affect the Team's and the respective Participant's evaluation. The Participant order is up to the Data Subject Team; it is possible for each Participant to speak more than once in the course of the plea, but the maximum time of 15 minutes per Team must still be respected. The plea can refer to the complaint and the Controller Team's arguments in their reply. Where an argument is based on facts that can only be found in the "data subject variant" of the Case and these facts have not yet been included in the complaint, they must be orally presented to the Jury.
3. **Respondent's plea:** The Controller Team provides their oral plea, which must be no shorter than 10 minutes and no longer than 15 minutes. All Participants should speak equally long; significant imbalances in speaking duration will negatively affect the Team's and the respective Participant's evaluation. The Participant order is up to the Controller Team; it is possible for each Participant to speak more than once in the course of the plea, but the maximum time of 15 minutes per Team must still be respected. The plea can refer to the reply and the Data Subjects Team's arguments in their complaint. Where an argument is based on facts that can only be found in the "controller variant" of the Case and these facts have not yet been included in the reply, they must be orally presented to the Jury.
4. **Questions by the Jury to the Complainant:** The Jury then has 10 minutes for questions to the Data Subject Team. Questions may be about both the written complaint and the oral plea and can be directed to the Team or to single Participants (e.g. if a Jury member has a question on something a particular Participant said). The Participants reply directly without prior preparation.
5. **Questions by the Jury to the Respondent:** Next, the Jury has 10 minutes for questions to the Controller Team. Questions may be about the written reply and the oral plea and can be directed to the Team or to single Participants. The Participants reply directly without prior preparation.
6. **Preparation break for the Complainant:** The Data Subject team then has the opportunity to withdraw for 6 minutes into a virtual breakout room to prepare their oral rebuttal against the Controller Team's plea. Their Coach(es) must not attend this breakout session.
7. **Complainant's rebuttal:** The Data Subject Team provides their oral rebuttal on the arguments and allegations brought forward by the Controller Team in their plea. The rebuttal must be no longer than 6 minutes and the rules for the oral plea regarding distribution of speaking time apply.
8. **Questions by the Jury:** The Jury has 5 minutes for questions to the Data Subject Team. The Participants reply directly without prior preparation.
9. **Preparation break for the Respondent:** The Controller team then has the opportunity to withdraw for 6 minutes into a virtual breakout room to prepare their oral rebuttal against the Data Subject Team's plea. Their Coach(es) must not attend this breakout session.
10. **Respondent's rebuttal:** The Controller Team provides their oral rebuttal on the arguments and allegations brought forward by the Data Subject Team in their plea. The rebuttal must be no

longer than 6 minutes and the rules for the oral plea regarding distribution of speaking time apply.

11. **Questions by the Jury:** The Jury then has 5 minutes for questions to the Controller Team. The Participants reply directly without prior preparation.
12. **Closing and Feedback:** The Director sitting in the Jury then formally closes the oral hearing and invites the External Jury Members to provide ad-hoc feedback to the Teams of individual Participants. The Director sitting in the Jury also provides his/her feedback on both the oral hearing and the written submissions.
13. **End:** The Director sitting in the Jury asks everyone apart from the External Jury Members and the other two Directors to leave the video conference.

After everyone but the Jury and the Directors have left the video conference, the Jury and the Directors discuss the performances of the Teams and the Individual Participants and reach a decision following the criteria in point 10.2.

9.4. Final Hearing

After all Teams have participated in the oral hearings, the Directors will reveal which Data Subject Team and which Controller Team had the best overall oral and written performance of all Data Subject Teams and Controller Teams respectively according to the evaluation criteria in points 10.2. and 10.3. These Teams compete against each other in a Final Hearing.

The Final Hearing follows the procedure outlined in point 9.3. Participants and Coaches from other Teams are invited to attend in the audience with their camera and microphone switched off. The participation of people not affiliated with the DPMC (such as friends or family members of the Participants) is subject to the discretion of the Directors and the technical capacities of the video conference platform.

The Directors might reveal additions to the Case no shorter than three days before the Final Hearing takes place (e.g. new evidence provided by either side or new events that occurred after the first oral hearing). The additions will be sent to all Participants. The Teams competing in the Final Hearing must take these additions into account. However, there will be no additional written submissions prior to the Final Hearing.

10. Evaluation and Awards

10.1. Written submissions

The Directors evaluate the written submission of each team using the following criteria. The better the performance, the higher the number of points granted:

Criteria	Possible Points
Submission within deadline	Yes/No (“No” leads to automatic exclusion as candidate for best submission and a 40 point penalty. “Yes” has no effect on the score).
Compliance with formal standards (see point 8)	Yes/No (“No” leads to automatic exclusion as candidate for best submission and a 10 to 80 point penalty, depending on the level of non-compliance. “Yes” has no effect on the score).

Format (numbering, headlines, uniform use of abbreviations and uniform citation and cross-references in text and footnotes)	20
Language and style (orthography and grammar, concise language, correct use of legal terms, etc.)	50
Soundness of legal arguments (methodology, comprehensible, unambiguous, clearness, convincing arguments, etc.)	110
SUBTOTAL WRITTEN PART	MAX 180 points

10.2. Oral hearings

The Directors and the External Jury Members of the relevant oral hearing evaluate the oral performance of each team and each Participant using the following criteria. The better the performance, the higher the number of points granted:

Criteria per Participant	Possible Points
<p>Rhetorical skills, convincing style of speaking.</p> <p>Deductions for unacceptable conduct (e.g. insults, rude language, repeated interruptions, etc.) are possible</p>	<p>Each Jury Member assigns up to 25 points to each Participant, so the maximum possible Speaker Score is 75 per participant.</p> <p>The average of points per Participant is added to the Criteria per Team points below, so the maximum points a Participant can contribute to their Team's score is 25.</p> <p>Example: The three Jury Member's assign a Participant a score of 19, 23 and 18 points respectively. The Participant's total Speaker Score is 60. The Participant contributes 20 points to their Team's score ($60/3 = 20$)</p>
Criteria per Team	Possible Points
Equal distribution of speaking time in pleas and rebuttals	A 5 to 40 point penalty in the total evaluation, depending on the level of imbalance). Equal balance (less than 2 minutes difference between Participants) has no effect on the score.
Legal soundness of arguments brought forward in plea and rebuttal	75
Responding to arguments and allegations from the other side and questions by the Jury or evading them	30
SUBTOTAL ORAL PART	MAX 180 points

10.3. Final Hearing

The Final Hearing is evaluated according to point 10.2. The team subtotal of the Final Hearing is not added to the overall score of the Team – instead the Team with the higher score in the Final Hearing automatically wins the “Best Team Award” (see point 10.4)

The Score per Participant of the Final Hearing is also not added to the overall individual score of the Participant but only counts for the Final Hearing. Hence, the Participants individual performance in the Final Hearing only has effect on the Team’s score in the Final Hearing but not with regards to the “Best Speaker Award” described in point 10.4.

10.4. Final Evaluation and Awards

The written and the oral part of the DPMC count equally in the final evaluation; hence, a Team can achieve up to 360 points.

Winning Team Award: The Team with the higher score in the Final Hearing wins the “Winning Team Award”. There is only one such award – not one award for the best Data Subject Team and one for the best Controller Team. The “Winning Team Award” is disclosed during the Award Ceremony.

Best Speaker Award: Each Participant can achieve up to 75 points for the oral hearing (see point 10.2.; performance in the Final Hearing does not change this score, see point 10.3.)). The Participant with the highest total score wins the Best Speaker Award. The award for best speaker is disclosed during the Award Ceremony.

Best Written Submission Award: The “Best Written Submission Award” goes to the Team with the best highest score in the written part (maximum 180 points). Only one Team can get this award. The award for “Best Written Submission” is disclosed during the Award Ceremony.

10.5. Award Ceremony and Feedback

The Award ceremony takes place per video conference. Everyone who participated in the DPMC is invited. The Directors call out the winners of the three above-mentioned awards and mention the prizes won.

Feedback for the Directors and the Administration and suggestions for improvement for further editions of the DPMC are most welcome in the award ceremony.

After the award ceremony, the evaluation, participation certificates, award certificates and a link to a feedback survey will be sent to the Participants. Each Participant only receives their own score and the score of their team.

11. Processing Personal Data for the DPMC

The application process and the participation in the DPMC requires the processing of the personal data of applicants, Participants, Coaches and External Jury Members as laid down in the data protection notice on the Moot’s website.