

## **Summer School with Moot Court 2014 in Hạ Long**

### **The case**

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The 12-year-old by Tung is quite active in social media, but internet dating is not (yet) his thing. One day he receives a peculiar message by 36-year old Phantom (alias, identity unknown) proposing a date. After some research, Tung discovers a profile with his personal data on the popular internet-dating platform Xanadu. He turns to his parents for advice. His father addresses Xanadu and demands the name of the person X who had created the profile without Tung's consent. Xanadu declines referring to his data protection policy. Tung's father considers suing Xanadu for damages. However, he has not yet filed a claim.

Convinced that X has broken the law Tung's father informs the authorities that they may start criminal proceedings. The police asked the national court to oblige Xanadu to reveal the identity of X. The court refuses since there is no provision, which would allow an exception to the data protection rules.

Tung's father now applies to the Court claiming the State Z disrespected his son's human rights as set forth in the European Convention of Human Rights which State Z has signed and ratified.

Before the Court appear:

- Group A for the Applicant
- Group B for the Respondent