

The Executive Board of the Rescue Service Östra Skaraborg

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Decision after supervision according to

Data Protection Regulation -

camera surveillance within

The rescue service Östra Skaraborg

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The decision of the Integrity Protection Authority

The Privacy Protection Authority states that the Executive Board of the Eastern Rescue Service

Skaraborg, with organization number 222000-1115, from 25 May 2018 until

on 6 May 2021 by having camera surveillance in the car park at eight fire stations

processed personal data in violation of

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Article 5 (1) (a) of the Data Protection Regulation<sup>1</sup> by employing camera surveillance

place for replacement in case of alarm in violation of the principle of correctness,

Article 5 (1) (c) of the Data Protection Regulation by processing more personal data

than has been necessary for the purposes contrary to the principle of

task minimization, and

Article 32 (1) and (4) of the Data Protection Regulation as instructions from it

personal data controller has been missing for how the personal data has been received

be used and the requirement for appropriate organizational measures, to ensure

a level of safety that is appropriate in relation to the risk, thus is not

fulfilled.

The Integrity Protection Authority decides on the basis of ch. Section 2 of the Data Protection Act<sup>2</sup> and

Articles 58 (2) and 83 of the Data Protection Ordinance to the Executive Board of the Emergency Services

Östra Skaraborg must pay an administrative sanction fee of 350,000

(three hundred and fifty thousand) kronor, of which 300,000 (three hundred thousand) kronor refers

the infringements of Article 5 (1) (a) resp. 5.1 c and SEK 50,000 (fifty thousand)

infringements of Article 32 (1) and Article 32 (4) of the Data Protection Regulation.

Report on the supervisory matter

The Privacy Protection Agency (IMY) has received complaints alleging that

The Executive Board of the Rescue Service Östra Skaraborg (Rescue Service) conducts

camera surveillance in the fire station's car park with space for replacement in the event of an alarm and has

initiated supervision of the Rescue Service.

The inspection has been initiated for the purpose of reviewing the Rescue Service's

personal data processing in the form of camera surveillance has taken place in accordance with

the principles of legality and regularity set out in Article 5 (1) (a) of the Data Protection Regulation;  
the principle of data minimization in Article 5 (1) (c), the requirement of a legal basis in Article 6 and  
the requirements for organizational security in Article 32.

When reviewing the processing of personal data in the form of camera surveillance of  
the wagon halls have mainly emerged the following.

Camera surveillance has been conducted from March – April 2015 until May 6, 2021  
stations in Skövde, Mariestad, Hjo, Tibro, Karlsborg, Hova, Gullspång and Töreboda.

A camera has been mounted at each station. All cameras have been placed in  
the carriages at the fire stations and has guarded a space used as  
garage for rescue vehicles. The staff hall also stores the staff's emergency clothing,

REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the  
natural persons with regard to the processing of personal data and on the free movement of such data and on  
repeal of Directive 95/46 / EC (General Data Protection Regulation).

2 Act (2018: 218) with supplementary provisions to the EU Data Protection Regulation.

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alarm stand, which must be able to be put on quickly before expression in the event of an alarm. For other types of  
exchanges there are special changing rooms that are not camera-monitored.

The camera surveillance of the car parks has been conducted around the clock in real time without  
image recording. The cameras have been movably mounted and have shown a number of views accordingly  
a predetermined movement pattern. The cameras have also been able to be controlled manually and have  
optics that can zoom.

The film material has been examined in real time by internal officers from the command center in Skövde when

alarm has been activated at a fire station. The control center that the cameras are connected to staff in emergency situations. Examination of what was captured by the camera's shooting range has only occurred in these situations. Sound has been able recorded in real time after the internal commander has activated a microphone to be able to talk with the intrusive force. A light has been lit in the car park when the microphone has been on activated.

The camera-monitored fire stations are staffed by staff who are as well full-time employee (Skövde and Mariestad) as a part-time employee (all audited stations). When part-time staff move in, firefighters should normally be within five minutes from the alarm goes off, switch left the fire station in a vehicle. Then shall the firefighters have gone to the fire station, often in a private car, changed and ha placed in the correct vehicle. Full-time staff are usually at the fire station when alarms go and change from station uniform. Firefighters are on it guarded the place in the carriage hall for about a minute.

The complaint has stated that it has happened to intruding staff in the event of an alarm in the middle of the night has arrived at the fire station in a bathrobe with underwear or nothing at all underneath, which has meant that staff have been camera-monitored naked or only in underwear when changing to an alarm stand. The rescue service has in an opinion received on 31 May 2021 stated that it does not occur at all that rescue personnel on standby arrive at the respective station in the event of an alarm only wearing bathrobe with only underwear or nothing underneath. Opinion received on 22 May 2019, it is stated that no employee will be staying in the Rescue Service's premises naked, except in changing rooms intended for this, as it can be experienced as troublesome and offensive to other employees. Furthermore, it has been stated that the alarm place is designed as such that its function is maintained regardless of whether the employee chooses to dress only in alarm stand or chooses to have undergarments under the alarm stand. The employees who choose to

do not use e.g. underwear can choose to only wear underwear underneath

the alarm place and will thus in such cases only wear underwear under one

shorter time when dressing and undressing the alarm place.

Furthermore, it has emerged that the employees at one of the fire stations protested

against the camera surveillance in connection with the introduction in 2015 by covering for some

of the surface where alarm places hang with a cardboard board. The rescue service has in the opinion

which came in on May 22, 2019, with completion on May 28, 2019, stated that

the cardboard board was removed after collaboration with a local union representative after a burglary. At

collaboration with employee organizations in 2015, views emerged as among

another argued that camera surveillance should not include a place where replacement takes place,

that it would be an advantage to activate the camera only in the event of an alarm, that it was perceived as offensive

to be monitored and that the information about the camera surveillance has been broken. Infront of

collaboration in August 2015, it was stated that the employer's focus was that measures would

taken so that areas where staff change could not be monitored by cameras. At

the collaboration meeting was decided to ensure that each station would be adapted so that

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camera surveillance of changing rooms would not take place. The rescue service has stated

that since August 2015 there have been no complaints against the camera surveillance or

that the issue is raised on collaboration again.

As for the information about the camera surveillance that is provided

The rescue service stated that it is now on the checklist at the time of introduction that

inform new employees about the camera surveillance, that a written information has been taken

forward to ensure this information and that it is signposted on the premises

camera surveillance.

To its final opinion in May 2021, the rescue service attached a decision made on 6 May 2021 where it appears that the camera surveillance that is examined must end with immediate effect. Furthermore, the need for camera surveillance must be reassessed accordingly that the IMY has made a decision in the current case.

Justification of the decision

Personal data manager

The Executive Board of the Rescue Service Östra Skaraborg is stated to be personal data manager for the Rescue Service's personal data processing. IMY shares this view.

The time for the trial

The audited camera surveillance has been ongoing from March-April 2015 to 6 May 2021. When the Data Protection Ordinance first came into force on 25 May 2018, IMY's trial, which takes place on the basis of the said regulation, limited to circumstances that have existed during the period thereafter. Circumstances in connection with the introduction of The camera surveillance in 2015 is thus outside the IMY's supervision.

Rules for the Rescue Service's camera surveillance

Camera surveillance is a form of personal data processing. How and in which to the extent that it is permitted to camera surveillance in the case in question is regulated in the Data Protection Ordinance and the Camera Surveillance Act (2018: 1200) which supplement the Data Protection Regulation.

The Camera Surveillance Act

Section 4 of the Camera Surveillance Act states that the Act applies to camera surveillance in accordance with section 3. takes place with equipment located in Sweden. Of § 3 point 1 of the Camera Surveillance Act It appears that camera surveillance includes a television camera, another optical-electronic instruments or comparable equipment, without being operated on site

used in such a way as to involve permanent or repeated repeatedly

personal surveillance. The camera surveillance that the Rescue Service has conducted has not maneuvered on site and has involved a permanent monitoring of the employees as well other visitors. The Camera Surveillance Act therefore applies to the Rescue Service coverage.

The Camera Surveillance Act contains provisions on when a permit is required to camera surveillance. It follows from section 7 of the Camera Surveillance Act that a permit is required for surveillance of a place to which the public has access if the surveillance is carried out by an authority or any person other than an authority in the performance of a public interest task which

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follows from law or other statute, collective agreement or decision issued with support by law or other statute.

The rescue service Östra Skaraborg is a municipal association and thus one authority, and is basically subject to a permit for camera surveillance. The question is then if the public is considered to have access to the place provided by the Rescue Service camera guards. Practice shows that the concept of "place to which the public has access" shall be interpreted broadly (see the Supreme Administrative Court's decision RÅ 2000 ref. 52). Many workplaces are, however, considered to be a place to which the public does not have access (Bill. 2017/18: 23 p.22).

In the light of what has emerged about the location of the surveillance, IMY assesses that it is not a question of a place to which the public has access. Some requirement to apply permit thus does not exist. However, the fact that the camera surveillance is unlicensed does not mean that surveillance is allowed. In addition to the provision on permits, there are other rules in



the Camera Surveillance Act, e.g. on the duty of confidentiality regarding the recorded material, obligation to negotiate with workers' organizations and requirements for information, such as may be relevant to follow during camera surveillance. In addition, the rules in the Data Protection Regulation.

#### Data Protection Regulation

According to Article 2 (1), the Data Protection Regulation shall apply, inter alia, to the processing of personal data in a completely automatic way. Of Article 4 (1) of the Data Protection Regulation it appears that any information relating to an identified or identifiable natural person is a personal information. According to Article 4 (2), treatment refers to a measure concerning personal data, such as collection, registration, reading and deletion. About one surveillance camera captures an identifiable person or other personal data in image, the rules in the Data Protection Regulation must therefore be followed. Since The rescue service has filmed, and recorded sounds from, identifiable people with theirs cameras apply to the Data Protection Regulation.

The Data Protection Regulation contains a large number of rules that must be followed

Processing of personal data. Within the framework of this supervisory matter is the IMY's review

limited to whether the Rescue Service has a legal basis under Article 6 i

the Data Protection Regulation to conduct the current camera surveillance, if

The rescue service has lived up to the basic principles of treatment

personal data in Article 5 (1) (a) on legality and regularity and in Article 5 (1) (c) on

data minimization, and whether the Rescue Service has met the requirements for security in

Article 32 by taking appropriate organizational measures.

Is the Rescue Service's camera surveillance allowed according to

the Data Protection Regulation?

Legal basis for the processing of personal data (Article 6)

Article 6 of the Data Protection Regulation states that a processing is only legal if at least

one of the conditions set out in the article is met, that is, there is a legal basis for the treatment.

The processing is necessary to perform a task of general interest, 6.1 e

The rescue service has stated that the legal basis for the surveillance is that the surveillance is necessary to perform a task of general interest under Article 6.1 e of the Data Protection Regulation.

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Of the preparatory work for a law (2018: 218) with supplementary provisions to the EU

The Data Protection Ordinance (hereinafter the Data Protection Act) states the following in Bill. 2017/18: 105 (p. 60).

In order for the processing of personal data to be permitted according to the article

6.1 e of the Data Protection Regulation requires that the purpose of the processing

is necessary to perform the task. This is according to the government

assessment is not interpreted as meaning that the task must be of general interest

delimited so that it can only be performed in one way. The method as it

personal data controller chooses to perform his task must, however -

like all public administration - be efficient, effective and

proportionate and thus may not cause unnecessary infringement of

individual privacy. The more detailed a particular task has been regulated, the more

there should be less space for the person responsible for personal data to

choose different approaches. This in turn leads to a larger

predictability in terms of what personal data processing can

updated. If an assignment has instead been settled on one more

overall and results-oriented level, it can probably be performed at many different ways, which in relation to each other can be more or less necessary within the meaning of the Data Protection Regulation.

In addition, pursuant to Article 6 (3), treatment under Article 6 (1) (e) shall be determined in accordance with with Union law or the national law of a Member State.

The activities of the rescue service are regulated nationally in the Act (2003: 778) on protection against accidents. By rescue service is meant according to ch. § 2 the rescue efforts by the state or the municipalities shall be responsible for in the event of accidents and imminent danger of accidents, for to prevent and limit damage to people, property or the environment. Of ch. § 3 states that the rescue service must be planned and organized so that the rescue efforts can be started within an acceptable time and implemented in an efficient manner. Although more detailed provisions for how the Rescue Service is to process personal data missing, the regulation needs to be specific enough to be used as a basis for the assessment of legal basis in Article 6 of the Data Protection Regulation. That the legislation is overall can provide a greater opportunity for the Rescue Service to choose how their assignments must be carried out than if the regulation had been more specific.

The rescue service has stated that the purposes that have been established for the surveillance are following.

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To facilitate leadership and efficiency during a rescue operation

To facilitate the presence control of firefighters who step in after alarms

To facilitate vehicle selection

To make it possible to ensure that the force leader feels good and can handle the task

To secure the shell protection as well

To assess the correctness of any alarm connected to the key cabinets on

the stations

IMY assesses that the purposes can be divided into two categories. The initial four

the purposes are intended to enable work management and efficiency in the event of an alarm situation. The

the latter two purposes concern physical security at the fire station.

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The rescue service has stated that the camera surveillance at all fire stations

except at Tibro station with automatic has also taken place of the space there

the expression clothes are stored. This means that at other fire stations have

the surveillance includes the place where the staff changes to alarm stands. The reason for

the camera at Tibro station has not monitored the place for replacement in case of alarm is one

incorrect programming which has meant that the camera's movement pattern has not covered the space

for replacement, if the camera has not been manually controlled to monitor it. According to

However, the rescue service has intended to remedy this so that also

the camera surveillance at Tibro station would include space for replacement. Compared to those

stations where the place for replacement has been guarded, the Rescue Service has stated that it is on

Tibro station has been worse conditions for the management capacity and efficiency at

emergency. It has been more difficult to ensure attendance control and to ensure that

the force leader feels good in the event of an alarm. Through the camera surveillance, the purposes can

the surveillance relating to the alarm situation is achieved at the same time as the staff

ready to go on alarm, that is, the working method is cost and

execution efficient.

IMY's assessment - legal basis

IMY states that the camera surveillance conducted by the Rescue Service refers to

monitoring of employees at their workplace where the staff must be under working hours. The registered are in a position of dependence and are guarded in their everyday environment. The surveillance has involved round-the-clock surveillance in real time and the catchment area has also included space for replacement. There is information that it has happened that employees for efficiency reasons during the change have stayed on the exchange site completely without clothes, which, however, has been rejected by the Rescue Service. Both the scope of surveillance and what is captured by the cameras has increased the intrusion of the individual.

The camera surveillance, which among other things has included the employees in underwear, means that the Rescue Service has camera-monitored the employees in privacy-sensitive situations.

The processing, however, has not included special categories of personal data, so sensitive personal data, in accordance with Article 9 of the Data Protection Regulation. The national law which, in accordance with Article 6 (3), is to lay down the legal basis therefore need not be more precise than in the law on protection against accidents, but can be generally held.

In light of the above and with regard to the Rescue Service's special assignments and requirements for efficiency, IMY makes the assessment that the treatment has been necessary to perform a task of general interest and that the Rescue Service has had a legal basis in accordance with Article 6 (1) (e) of the Data Protection Regulation for the person in question the treatment.

The question then becomes whether the current treatment has lived up to some of them basic principles for the processing of personal data in Article 5.

Basic principles for the processing of personal data (Article 5)

Article 5 of the Data Protection Regulation contains a number of basic principles such as that personal data controllers must take into account when processing personal data.

It follows from Article 5 (1) (a), inter alia, that all personal data processing, in addition to being

legal, must also be correct (the principles of legality and correctness). By article

5.1 c follows that personal data that is processed must be adequate, relevant and not

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too extensive in relation to the purposes for which they are treated (the principle of task minimization).

Finally, it follows from Article 5 (2) that the data controller shall be responsible for and be able to demonstrate compliance with the principles set out in Article 5 (1) (the principle of liability).

Principles of legality and regularity (Article 5 (1) (a))

The fact that the processing must be lawful means that there must be a legal basis in Article 6. IMY has assessed above that the Rescue Service fulfills the requirement of a legal basis in Article 6 (1) (e), task of general interest. The treatment is therefore judged to be compatible with the principle on legality in Article 5 (1) (a).

With regard to the treatment being correct, the following is stated in the preparatory work for the Data Protection Act (Bill 2017/18: 105 p. 47).

As far as the principle of correctness is concerned, it can in a comparison with other language versions be questioned about the Swedish term correctly corresponds to the intention of the provision. In the Danish language version states instead that the data should be processed reasonably. On the equivalent way is used in the English language version the term fairly, which means fair, reasonable or reasonable. In the French language version the term loyale is used, which has the same meaning as English fairly. In the German language version, the term Treu is used

und Glauben, which is usually translated as good faith or faith and honor.

All of these terms indicate, in the Government's view, more clearly than that

Swedish term correctly, that a balance of interests must be struck. In it

In the individual case, it can thus e.g. be incompatible with the principle of

correctness to take a particular treatment measure, even if this in and for

could be considered legally established under Article 6, namely

if the processing is unreasonable in relation to the data subject.

The legislator has stated here that even if a legal basis exists, it should at a

assessment of whether the treatment lives up to the principle of correctness is still made one

balancing of interests to determine whether the treatment is unreasonable in relation to it

registered, in this case the employees.

In the statement received on 22 May 2019, the rescue service stated that it did not

there are some other, less privacy violating solutions to do the same thing without

that the rescue effort is negatively affected. However, it has also been stated that it is not

it is necessary for camera surveillance to take place around the clock to conduct rescue services, but

that it only needs to take place in the event of an alarm to the station in question. Furthermore, the Rescue Service has

stated that the cameras are technically connected to the application they are shown on a daily basis

around.

To the balance of interests that the legislator believes should be made in an examination of

the principle of correctness lacks further guidance. European Data Protection Board,

EDPB, however, has in EU guidelines on built-in data protection and data protection as standard

stated that, inter alia, the following circumstances shall be taken into account in the examination of whether

the principle of correctness is complied with.<sup>3</sup> It states, for example, that the treatment should

comply with the reasonable expectations of the data subjects. Furthermore, the balance of power should

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be a central goal for the relationship between the personal data controller and the registered. The person responsible for personal data must also respect the data subjects fundamental rights and take appropriate measures and safeguards. The The person responsible for personal data must also ensure the impact of the processing on the individual rights and dignity.

IMY's assessment - the principle of correctness

Regarding the balance of interests to be made, IMY makes the following assessment of the different interests.

IMY initially states that the Rescue Service through the law on protection against accidents have a requirement on their business that it must be conducted efficiently in terms of both time and execution, in order to prevent and limit damage in the event of accidents and the danger of accidents people, property or environment.

The rescue service has stated that, among other things, they are prepared for people which end up in distress at sea and other life-threatening situations, toxic substances released into nature, traffic accidents, fires that occur in buildings and terrain as well as people and property threatened by extreme weather. It is not uncommon for life to be endangered by them events The rescue service is alerted and then both seconds and minutes can make a difference.

The purpose of the Rescue Service's camera surveillance, which is now being examined, is described in detail above and can be summarized to enable work management and alarm efficiency respectively to ensure the physical safety of the fire station.

The rescue service has stated that there are no other less privacy-sensitive ways



to achieve the same efficiency. At Tibro fire station, where surveillance of place for replacement has not taken place automatically, the conditions for conductivity and emergency response has been worse compared to other stations. The staff do not stay at the station for more than the time they put on the alarm stand, which means that if communication with them is to take place without delaying the rescue operation, it must be going on at the same time as the exchange is taking place.

Overall, IMY assesses that the Rescue Service's need for camera surveillance is on the place weighs heavily, especially in case of alarms.

One of the purposes of the surveillance is to check the presence of firefighters who enter after noise. IMY notes that camera surveillance to perform presence check on one workplace is in principle not allowed. In the current case, the interest in surveillance has been judged to weigh heavy, especially in case of alarm. IMY makes the assessment that the Rescue Service's surveillance is one such a case where camera surveillance as presence control can be considered permissible. At it

In the assessment, special consideration has been given to the requirement for efficiency in the event of an alarm. The rescue service, where seconds and minutes can make a difference to life and health.

As regards the interests of the data subjects, it can be stated that the places as camera-monitored are workplaces where the employees, who are dependent on their employer, must be present during their working hours. The employees stay in the car park both in the event of an alarm but also in the performance of other tasks. The character of the place means that the employees are there in their everyday environment and can not opt out of that be camera-monitored. The interest in integrity therefore weighs heavily as a starting point.

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When it comes to listening and recording sound in connection with camera surveillance is

this is particularly sensitive to privacy and is only exceptionally allowed. As privacy enhancing action, however, a light comes on when the microphone enables oral communication between the control center and the car park is activated. IMY notes that audio listening is thus limited to situations that require communication and that the microphone has been used in sharp situations in case of alarm, then the need to monitor weighs particularly heavily. Furthermore, the sound that is listened to is mainly a conversation with them which is monitored. That the staff is part of the conversation in combination with lamp activation does that they are aware that eavesdropping is taking place. The measure reduces the intrusion somewhat applies to interception and recording of sound. IMY therefore makes the assessment that sound recording in the event of an alarm as it has been conducted is permitted.

Furthermore, it appears that the surveillance area also includes a place for change during pick-up and undressing of alarm stands, where the camera surveillance in case of alarm for a short time has caught the employees in underwear or underwear when they change into expression clothing.

If the staff in some cases has been monitored completely without clothing has not been clarified in the case. The rescue service believes that the employees are extremely used to handling privacy-sensitive situations both in the performance of their duties in rescue operations towards third parties, but also at the station work and internally in the organization then it exchanges occur before each other in each alarm situation, but also in regular practice and education. The rescue service believes that the internal commander who has access to real-time surveillance has a management responsibility regardless of whether it takes place in the physical space or via technical equipment, for the best possible management. According to the Rescue Service assessment, the exchange in front of colleagues and officers fits well in a proportionality perspective.

IMY assesses that the interest in privacy at the place where the exchange takes place is significantly more prominent than in the rest of the carriage hall. However, it should be considered that the solution with replacement to the alarm stand in the car park and the camera surveillance of this is deemed necessary for the efficiency of the business, which reduces the intrusion somewhat. IMY does though

overall assessment that the integrity interest in the site as a whole weighs

very heavy, as the guarding has been conducted. This also applies if the staff in

the change situation has underwear or underwear on.

In assessing the two sides of the balance of interests, IMY has thus assessed that

the need for surveillance weighs heavily, especially in the event of alarms, and the fact that it was registered, they

employees, interests in terms of camera surveillance of the place of exchange weigh a lot

heavy.

When balancing between the needs of the Rescue Service and the interests of the employees do

IMY further the following assessment. As for whether the data subjects can expect it

current camera surveillance, the Rescue Service has stated that it currently has

informed about the surveillance in several ways, including through signs in the premises.

However, it has emerged that there are no guidelines for in which situations the competent

staff have had the right to access real-time surveillance, which may mean that they

employees have had difficulty assessing the extent to which the material has been used. In question

on the balance of power between the Rescue Service and the employees, it has been established that

the employees are in a dependent relationship with their employer, which means that

the balance of power is uneven.

As the monitoring of exchanges includes information sensitive to privacy, higher requirements are set

than otherwise on protective measures to reduce the invasion of privacy. IMY thinks it is

necessary with integrity-enhancing measures, such as a partial shielding of

the place of exchange. The rescue service has stated as integrity-enhancing measures that

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in addition to the fact that a light is switched on when the microphone is activated, the sound can only be heard from

the car park in a headset in the control center and that there is access restriction to the control center. As for, for example, masking or demarcating parts of the site for replacement to minimize the collection of this data, have any such action not emerged during the IMY review.

Regarding masking the place for replacement, the Rescue Service has in an opinion on 22 May 2019, stated the following (p.7).

Given that most stations have alarm points hanging in the carriage hall, the purpose of the cameras on these surfaces completely disappeared was screened off, that is, the carriage hall would not be seen in the cameras.

Of images from the camera surveillance that the Rescue Service has sent in an opinion on it January 16, 2019, however, it seems in the IMY's opinion to be clear that without much difficulty should be able to partially delimit the uptake of the place of exchange from respective camera, so that no more than, for example, heads are captured by the surveillance.

This can be done, for example, either by a mask on the camera views that show the place for replacement or through a physical screen in each carriage hall.

With regard to the impact of camera surveillance on employees' rights and dignity, the IMY states that it has not emerged that it has been possible to avoid that be camera-monitored during the change to alarm stand. To have camera surveillance when changing occurs in the event of an alarm, could have meant that the employees have repeatedly stayed in their underwear brief moments in the guarded area. In an objective assessment, it can be considered go beyond what is a proper treatment on the part of an employer.

Overall, IMY states that the purposes of the Rescue Service are justified.

The rescue service's interest in surveillance has been judged to weigh heavily, especially in the event of an alarm. However, the interests of the data subjects have been judged to weigh very heavily, especially in terms of place for change to alarm stand, which has been camera-monitored without masking or demarcation. Even when the special circumstances and requirements have been taken into account

effectiveness that prevails in the Rescue Service's efforts, IMY states that they the interests of employees weigh more heavily in the question of the place of exchange in the event of an alarm and that the surveillance in this situation, as it has been carried out, is unreasonable in relation to employees. The monitoring of the exchange situation in the event of an alarm without delimitation therefore has contrary to the principle of correctness in Article 5 (1) (a) of the Data Protection Regulation.

The principle of data minimization (Article 5 (1) (c))

Article 5 (1) (c) of the Data Protection Regulation states that personal data processed shall be adequate, relevant and not too extensive in relation to the purposes for which which they are processed, which is the principle of data minimization.

The camera surveillance that is now being examined has been conducted around the clock in real time in the car park hall at eight fire stations and has included space for replacement without any masking or demarcation. Internal officers at the command center have examined the camera surveillance at alarm.

The rescue service has stated that it is not necessary to monitor the car park with cameras around the clock, without it only having to take place in the event of an alarm to the relevant station. The cameras have however, have been connected to the technical solution where the camera image is displayed around the clock around.

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As for the surveillance of the place for replacement, the Rescue Service has stated that it does not there are other less privacy-sensitive ways to achieve the same efficiency. The surveillance of the place of replacement is necessary as the staff does not stay at the station anymore than the time when they put on alarm racks. This means that communication with them must take place at the same time as they change, so that the rescue effort is not delayed.

IMY's assessment - the principle of data minimization

IMY has stated above that monitoring employees who change involves treatment of privacy-sensitive information that goes beyond what the individual should need accept. The surveillance of the fire stations has included employees, who are in dependency on their employer. It places special demands on the employer to take measures to reduce the invasion of privacy for employees. Any adaptation of the surveillance has not been carried out, in addition to access restriction, and place for replacement has been camera-monitored without masking or demarcation. The monitoring has been ongoing around the clock in real time, even though it has been stated to be necessary only in the event of an alarm.

Against this background, IMY states that the Rescue Service's camera surveillance has entailed an excessive processing of personal data in relation to purposes. The treatment has thus taken place in violation of the principle of data minimization in Article 5 (1) (c) of the Data Protection Regulation.

The purpose of the rescue service which has been intended for physical safety fire stations, ie to ensure shell protection and to assess the accuracy of alarms connected to the key cabinets at the stations do not have, according to the Rescue Service including the prevention and investigation of crime. IMY states that the purposes are justified, but that camera surveillance around the clock is too far-reaching for specified purposes. It should be possible to achieve the said objectives with less far-reaching measures, to example through another solution for entry or an activated alarm in case of alarm from the key cabinet.

This treatment has also taken place in violation of the principle of data minimization in Article 5 (1) (c) of the Data Protection Regulation.

Security of processing (Article 32)

As for the Rescue Service's security in connection with the camera surveillance, IMY has reviewed organizational security in terms of governance and guidelines

for the handling of the monitoring material.

Article 32 of the Data Protection Regulation regulates security in connection with the processing.

According to paragraph 1, the person responsible for personal data and the personal data assistant shall among other taking into account recent developments, implementation costs and the nature, scope, context and purpose of the treatment and the risks, of varying degrees of probability and seriousness, for the rights and freedoms of natural persons take appropriate technical and organizational measures to ensure a level of safety appropriate to the risk.

According to paragraph 2, special consideration shall be given to the assessment of the appropriate level of safety risks of treatment, in particular accidental or unlawful destruction; loss or alteration or to unauthorized disclosure of or unauthorized access to the personal data transferred, stored or otherwise processed.

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Paragraph 4 states that the person responsible for personal data and the personal data assistant shall take measures to ensure that every natural person performing work under it supervision of the personal data controller or personal data assistant, and who may access to personal data, only processes these on instructions from it personal data controller.

Recital 39 of the Data Protection Ordinance states, among other things, that personal data should be treated in a manner that ensures appropriate security and confidentiality for personal data and prevents unauthorized access to and unauthorized use of personal data and the equipment used for the processing.

The rescue service has stated that 29 people have had access to the command center

where the camera surveillance in the event of an alarm has been taken up to full screen view, of which 6 internal officers as has its workplace in the command center, 16 other officers and managers who have tasks in the control center in the event of an alarm or staff work and 7 operating technicians for maintenance of premises and technology. Not all employees stay there at the same time, but the employee who has taken part of the camera material is on duty internal officer in case of alarm. Every however, employees who have access to the management center have had the opportunity to see the camera image and what is going on at a fire station in real time. In cases where the effort is complicated or several parallel operations in progress may be several internal commanders or others management functions are in the management center at the same time and have then been able to see the camera image.

The rescue service has stated that there have been no guidelines for when a person is authorized person has been allowed to look at the camera image. The approach, however, has been to the camera image manually recorded in full screen view in the event of an alarm at the current station.

IMY's assessment - safety of treatment

As for who has access to the footage from the camera surveillance

IMY states that the Rescue Service has stated that a number of people have access to the room where the camera surveillance is displayed in real time, the control center. Even if it is not it is clear how the full screen view showing the camera surveillance is delimited,

IMY states that at different times and situations there may be a need for more people have access to real-time surveillance in the event of an alarm, as the Rescue Service has described the handling. The business also runs around the clock, which means that more than otherwise need to have access to the material. IMY therefore finds that it may be justified to a larger number of employees have the right to access information from the camera surveillance. However, it is central that the person responsible for personal data then has organizational measures in place to ensure the security of the data. Among otherwise clear guidelines are needed for who should have access to the material, under which



conditions and whether the competence is surrounded by special restrictions for the handling of the image material.

The IMY states that a data controller in accordance with Article 32 (1) shall take appropriate action technical and organizational measures to ensure a level of security that is appropriate in relation to the risk. When assessing the appropriate level of security, special account is taken of the risks posed by the treatment, including unauthorized access the personal data processed. The person responsible for personal data must, according to the article 32.4 of the Data Protection Regulation also take measures to ensure that a physical person only processes personal data according to instructions from it personal data controller.

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The more sensitive the information that is processed, the higher the security requirements for it it must be considered appropriate in relation to the treatment carried out. That guidelines has been missing for when and how the camera surveillance may be used may mean that those who has handled the camera surveillance has gone beyond what is necessary and thus allowed. It also means that there may be uncertainty for those who have camera surveillance, in which situations the camera surveillance has been used and whether it has been limited to situations where surveillance has been necessary.

As the monitoring has been conducted, it has included systematic monitoring of employees and privacy-sensitive processing of personal data with regard to surveillance of employees changing. The requirements for security are thus raised in order for it to be considered have an appropriate level. As guidelines are said to have been completely missing, IMY states that The rescue service has breached the requirement to ensure that personal data only

handled according to instructions from the person responsible for personal data and that the requirement for appropriate organizational measures to ensure an appropriate level of security in relation to the risk is thus not met. IMY therefore notes that

The civil protection service has processed personal data in violation of Article 32 (1) and (4) of the Data Protection Regulation.

Choice of intervention

Legal regulation

If there has been a violation of the Data Protection Regulation, IMY has a number of corrective powers under Article 58 (2) of the Data Protection Regulation.

The supervisory authority may, among other things, order the person responsible for personal data to ensure this that the processing takes place in accordance with the Regulation and if required in a specific way and within a specific period.

It follows from Article 58 (2) of the Data Protection Regulation that in accordance with Article 83, the IMY shall impose penalty fees in addition to or instead of other corrective measures such as referred to in Article 58 (2), depending on the circumstances of each case.

For authorities, Article 83 (7) of the Data Protection Regulation may specify national rules that authorities may be subject to administrative penalty fees. According to ch. 6 § 2

Under the Data Protection Act, penalty fees can be decided for authorities, but up to a maximum SEK 5,000,000 or SEK 10,000,000 depending on whether the violation relates to articles covered by Article 83 (4) or 83 (5) of the Data Protection Regulation.

Article 83 (2) sets out the factors to be taken into account when deciding on an administrative penalty fee shall be imposed, but also what shall affect the penalty fee size. Of central importance for the assessment of the seriousness of the infringement is its character, degree of difficulty and duration. In the case of a minor infringement may, in accordance with recital 148 of the Data Protection Regulation, issue a reprimand instead of imposing a penalty fee.

## Penalty fee

The inspections carried out by IMY have shown that the Rescue Service has processed personal data in violation of Article 5 (1) (a) and (c) and Article 32 (1) and (4) of the Data Protection Regulation.

In assessing whether the violations are so serious that an administrative sanction fee is to be imposed, IMY has taken into account that the processing of personal data has been intended camera surveillance of employees in a position of dependence, in their everyday environment that has including privacy-sensitive situations. The monitoring has taken place systematically during

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long time. The monitoring has meant that more information than necessary has been processed then on the one hand, it has taken place around the clock in real time, despite the fact that there is only a need for alarms, and partly without any masking or demarcation having taken place of the area where the employees changes. The scope of the surveillance has been relatively large as it has taken place around the clock around in real time in the car park at eight fire stations, which means a not insignificant number of registered has been affected. Furthermore, it has not emerged that the Rescue Service, while the camera surveillance is in progress, in addition to a light indicating activated microphone as well as certain access restrictions, have taken some measures to reduce the intrusion on the employees. IMY's assessment is that the treatment did not involve one minor violation. The violations must therefore lead to an administrative penalty fee.

The provisions of the Data Protection Ordinance that the Rescue Service has violated covered by both Article 83 (4) of the Data Protection Regulation and Article 83 (5). The the maximum amount of the penalty fee is according to Article 83.4 and 83.5 and ch. 6 § 2 second paragraph of the Data Protection Act SEK 5 million regarding the violations of the article

SEK 32 and 10 million in respect of the infringements of Article 5.

The administrative penalty fee shall be effective, proportionate and deterrent. This means that the amount must be determined so that the administrative the sanction fee leads to correction, that it has a preventive effect and that it in addition, is proportionate in relation to both current violations and to the supervisee's ability to pay.

In determining an amount that is effective, proportionate and dissuasive can IMY note that the Rescue Service has camera-monitored employees who are in dependent relationship with their employer, in a privacy-sensitive situation when switching to alarm stand, which has meant that they have been systematically filmed in underwear or underwear at their workplace. Surveillance has been going on around the clock in real time despite that need has only existed in the event of an alarm. The rescue service has in these respects not have taken the necessary measures to limit the collection of data. The surveillance has been systematic for a long time and included eight fire stations. It has been the question of a relatively large number of people in the command center who have been able to take part of the surveillance. Although these have been authorized to take part in the surveillance has there was a complete lack of guidelines and instructions for the situations of competent persons had the right to access the camera surveillance. These circumstances are seen as aggravating.

In its assessment, IMY has taken into account the Rescue Service's weighty need for the camera surveillance and the requirement for efficiency that is the responsibility of the Rescue Service, as well the socially important task of preventing and limiting in the event of accidents and the danger of accidents damage to people, property or the environment where seconds and minutes can be crucial. It has also been taken into account that the current rules began to be applied only in May 2018. The trial has thus been limited to the time thereafter. It has also emerged that camera surveillance has now ceased. It is clear that the decision in the case has dragged on

not the Rescue Service to blame for the assessment of the violations.

After an overall assessment, IMY finds that the Executive Board of the Rescue Service East

Skaraborg must pay an administrative sanction fee of SEK 350,000, of which

SEK 300,000 refers to the violations of Article 5 (1) (a) and 5.1 (c), respectively, and SEK 50,000 refers to

infringements of Article 32 (1) and Article 32 (4) of the Data Protection Regulation.

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This decision was made by Director General Lena Lindgren Schelin after the presentation

by lawyer Jenny Bård. At the final processing, the unit manager also has

Charlotte Waller Dahlberg and lawyer Jeanette Bladh Gustafson participated. During

David Törngren, Chief Justice, also participated in the proceedings.

Lena Lindgren Schelin, 2021-06-09 (This is an electronic signature)

Appendix

Information on payment of penalty fee

Copy to

The Executive Board of the Rescue Service Östra Skaraborg's data protection representative:

[dataskyddsbud@skovde.se](mailto:dataskyddsbud@skovde.se)

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How to appeal

If you want to appeal the decision, you must write to the Privacy Protection Authority. Enter i

the letter which decision you are appealing and the change you are requesting. The appeal shall

have been received by the Privacy Protection Authority no later than three weeks from the date of the decision was announced. If the appeal has been received in time, send

The Integrity Protection Authority forwards it to the Administrative Court in Stockholm examination.

You can e-mail the appeal to the Privacy Protection Authority if it does not contain any privacy-sensitive personal data or data that may be covered by secrecy. The authority's contact information can be found on the first page of the decision.