

## Supervision of Ørsted A / S 'processing of personal data

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### Decision

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### Summary

In 2019, the Danish Data Protection Agency carried out a planned inspection at Ørsted A / S. The supervision focused on the company's compliance with the rules on the data subject's right of access, cf. Articles 15 and 12 of the Data Protection Regulation.

On the basis of the audit carried out, the Danish Data Protection Agency has not found occasion to express criticism of Ørsted A / S 'processing of personal data.

The Danish Data Protection Agency's final statement states, among other things, that Ørsted A / S has not received any requests for insight from the registered persons in the period from 25 May 2018 to the time of notification of the audit.

In addition, it appears that Ørsted A / S has prepared a guide on the company's compliance with the rules on insight, just as the company has to a certain extent prepared standard texts in the area.

You can read the Danish Data Protection Agency's guide on data subjects' rights [here](#).

### Decision

Ørsted A / S was among the companies that the Data Inspectorate had selected for inspection in the spring of 2019. The Data Inspectorate's planned inspection of Ørsted A / S focused in particular on the company's compliance with the rules on the data subject's right of access, cf. Article 15 and Article 12 of the Data Protection Regulation .

At the request of the Danish Data Protection Agency, Ørsted A / S had completed a questionnaire on 3 May 2019 and submitted this together with additional material to the Authority. Ørsted A / S stated in this connection that the company had not received any requests for insight in the period from 25 May 2018 to 16 April 2019 - ie. the time of the Data Inspectorate's introductory inspection letter to Ørsted A / S. Against this background, the Danish Data Protection Agency decided to cancel the planned physical inspection visit and instead carry out a written inspection of Ørsted A / S 'handling of requests for insight from current, former and potential employees.

### Decision

Following the audit of Ørsted A / S, the Danish Data Protection Agency finds reason to conclude:

That Ørsted A / S has reportedly not received any requests for insight from registered persons in the period from 25 May 2018 to the time of notification of this supervision.

That Ørsted A / S has prepared a guide on the company's compliance with Articles 15 and 12 of the Data Protection Ordinance.

That Ørsted A / S has to a certain extent prepared standard texts that can help to ensure and facilitate the company's compliance with Articles 15 and 12 of the Data Protection Regulation.

On this basis, the Danish Data Protection Agency considers the audit to be completed and does not take any further action on that occasion.

Below is a review of the information that has emerged in connection with the audit and a more detailed review of the Data Inspectorate's decision.

## 2. Ørsted A / S 'procedures and guidelines

Ørsted A / S has informed the Danish Data Protection Agency that the company has not received requests for insight in the period from 25 May 2018 to 16 April 2019.

Ørsted A / S has sent a copy of the company's guide for handling requests for insight in the People & Development department, which is the department responsible for handling requests for insight from current, former and potential employees.

Ørsted A / S has stated that the company does not process information about private customers, which is why Ørsted A / S forwards received requests for insight from private customers to the relevant subsidiaries, including for example Ørsted Sales and Service A / S or Radius Forsyningsnet A / S.

Ørsted A / S 'guide contains general information on how the employees in the People & Development department can identify a request for insight, what process they must follow when receiving insight requests, and how they secure the identity of the person who has requested insight before they respond to a request.

Ørsted A / S has stated that the company's internal communication about data protection, including regarding the data subject's right to access, takes place in several ways, including e.g. via the intranet, e-learning and department meetings. On the intranet is a page and a number of subpages regarding data protection, where employees, among other things, be

informed about the right of access, including that employees must contact the People & Development department if a request for access is received, or if an employee himself wants access to his personal information.

Ørsted A / S 'guide on handling access requests contains some standard texts, which the employees, among other things, can use when they need to secure the identity of the person who requested the insight or if there is a need to clarify an insight request.

In relation to securing the data subject's identity, it is stated in the guidelines that the employees - upon receipt of requests for insight - must first secure the identity of the person from whom the request for insight comes. Furthermore, it appears that the employee must ask whether the sender of the request for insight addresses himself as a current, former or potential employee, etc. If the employee handling the request is already aware of the context in which the sender is addressing, it is not necessary to inquire into the relationship. In continuation of this, it appears that the employee must demand additional identification information from the data subject, ie. copy of either passport or driving license if the employee is not already aware of the identity of the data subject.

It follows from Article 12 (1) of the Data Protection Regulation 2, that the data controller must facilitate the exercise of the data subject's rights in accordance with e.g. Article 15 on insight.

Pursuant to Article 12 (1) of the Data Protection Regulation 6, a data controller may, if there is reasonable doubt about the identity of the natural person making a request for e.g. insight, request additional information necessary to verify the identity of the data subject.

Furthermore, it follows from the data protection regulation's principles for the processing of personal data that personal data i.a. shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are dealt with, in accordance with Article 5 (2). 1, letter c ("data minimization").

The Danish Data Protection Agency is of the opinion that a request for additional information in order to identify a request for access must be limited to what is necessary, cf. Article 5 (1). 1, letter c. The data controller must therefore not demand more information than is necessary to be able to identify the person in question.

The data controller must therefore at all times make a specific assessment of whether it will be necessary to require information in the form of either a passport, driving license or other information, or whether the data subject can, for example, be identified on the basis of the information originally collected. about him.

It is thus the Data Inspectorate's assessment that any collection of information in the form of a copy of driving license or passport will not be in accordance with Article 5 (1) of the Regulation. 1, letter c, if it will be possible to verify the identity of the data subject on the basis of the information that has originally been collected about him or her or by collecting less information about him or her.

On this basis, the Danish Data Protection Agency finds that Ørsted A / S must update the guidelines in accordance with this.

### 3. Ørsted A / S 'standard texts

The guide also contains a standard text that employees can use when answering a request for insight.

A review of the standard text for responding to requests for insight shows that the standard text only contains a short and general indication of what information is to be given to the data subject. An annex to the standard text with detailed information must therefore be attached in accordance with Article 15 (2) of the Regulation. 1.

In addition, the standard text does not contain information on whether Ørsted A / S makes automatic decisions, including profiling, as referred to in Article 22 (1) of the Regulation. Article 15 (1) Ørsted A / S has stated that the company does not make decisions based solely on automatic processing, which is why Article 15 (1) of the Regulation. 1, letter h, is not specified in the standard text. The Danish Data Protection Agency has no comments on this.

The Danish Data Protection Agency recommends that Ørsted A / S - to the extent that the company has not already done so - prepare a supplementary standard text / template for responding to requests for insight, which contains detailed information in accordance with Article 15 (1) of the Regulation. 1.

### 4. Conclusion

Following the audit of Ørsted A / S, the Danish Data Protection Agency finds reason to conclude:

That Ørsted A / S has reportedly not received any requests for insight from registered persons in the period from 25 May 2018 to the time of notification of this supervision.

That Ørsted A / S has prepared a guide on the company's compliance with Articles 15 and 12 of the Data Protection Ordinance.

That Ørsted A / S has to a certain extent prepared standard texts that can help to ensure and facilitate the company's compliance with Articles 15 and 12 of the Data Protection Regulation.

On this basis, the Danish Data Protection Agency considers the audit to be completed and does not take any further action on

that occasion.

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General data protection regulation)