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The directorate of the Rescue Service Östra Skaraborg

Majorsgatan 1

54141 Skövde

By e-mail: raddningstjansten@rtos.se

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Decision after supervision according to

data protection regulation –

camera surveillance within

Rescue service Östra Skaraborg

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Mailing address:	
Box 8114	
104 20 Stockholm	
Website:	
www.imy.se	
E-mail:	
imy@imy.se	
Phone:	
08-657 61 00	
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The Privacy Protection Authority's decision

The Swedish Privacy Protection Authority notes that the Directorate for Rescue Services Östra

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

on May 6, 2021 by camera surveillance in the carriage hall at eight fire stations has

processed personal data in violation of

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article 5.1 a of the data protection regulation¹ by camera surveillance of employees

place of change in case of alarm contrary to 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, as well

article 32.1 and 32.4 of the data protection regulation because 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 security level that is appropriate in relation to the risk, thus is not

fulfilled.

The Privacy Protection Authority decides with the support of ch. 6. Section 2 of the Data Protection Act² and

articles 58.2 and 83 of the data protection regulation that the Directorate for the Rescue Service

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

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

the violations of Article 5.1 a or 5.1 c and 50,000 (fifty thousand) kroner refers

the violations of article 32.1 and article 32.4 of the data protection regulation.

Account of the supervisory matter

The Swedish Privacy Agency (IMY) has received complaints that

The management of the Rescue Service Östra Skaraborg (Rescue Service) conducts

camera surveillance in the fire station's carriage hall with a place to change in the event of an alarm and has

initiated supervision of the Rescue Service.

The inspection has been initiated with the aim 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 correctness in Article 5.1 a of the data protection regulation,
the principle of data minimization in Article 5.1 c, the legal basis requirement 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, the following has essentially emerged.

Camera surveillance has since March–April 2015 until May 6, 2021 been carried out at
the stations in Skövde, Mariestad, Hjo, Tibro, Karlsborg, Hova, Gullspång and Töreboda.

A camera has been installed at each station. All cameras have been placed in
the wagon halls at the fire stations and has guarded a space used as
garage for emergency vehicles. The staff's emergency clothing is also stored in the carriage hall,

REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection
of

natural persons with regard to the processing of personal data and on the free flow 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 quickly put on before expressing in the event of an alarm. For other types of
changing rooms, there are special changing rooms that are not monitored by cameras.

The camera surveillance of the wagon halls has been carried out around the clock in real time without
image recording. The cameras have been mobile mounted and have shown a number of views according to
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 reviewed in real time by internal commanders from the command center in Skövde when alarm has been activated at a fire station. The command center that the cameras are connected to be staffed in emergency situations. Review of what was captured by the camera's coverage area has only occurred in these situations. Sound has been able is recorded in real time after the inside commander has activated a microphone to be able to converse with the compelling force. A light has been on in the carriage hall when the microphone has been activated.

The camera-surveillance fire stations are manned by personnel who are as well full-time employee (Skövde and Mariestad) as part-time employee (all audited stations). When part-time staff move in, the firefighters must normally within five minutes from the alarm going off, change having left the fire station in a vehicle. Then shall the firefighters have made it to the fire station, often in a private car, have changed and have placed in the correct vehicle. Full-time staff are usually at the fire station when alarms go and change from station uniform. The firemen are on it guarded the scene in the carriage hall for about a minute.

In the complaint, it has been stated that it has happened that moving staff in on alarms in the middle of the night have arrived at the fire station in a dressing gown with underwear or nothing at all underneath, which has meant that staff have been camera-surveilled naked or only in underwear when changing to an alarm stand. The emergency services have received a statement on 31 May 2021 stated that it does not occur at all that rescue personnel on standby come to the respective station in the event of an alarm wearing only their clothes dressing gown with only underwear or no underwear at all. In opinion received on 22 May 2019, it is stated that no employee is to stay on the premises of the Rescue Service naked, except in changing rooms intended for this, as it can be perceived as bothersome and offensive to other employees. Furthermore, it has been stated that the alarm center is designed like this that its function is maintained regardless of whether the employee chooses to dress only in

alarm stand or choose to have a base under the alarm stand. The employees who choose to do not use e.g. underwear can choose to wear only underwear underneath the alarm point and will therefore in such cases only wear underwear under one shorter time when dressing and undressing the alarm station.

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 a part of the surface where the alarm points hang with a cardboard disc. The emergency services have in the statement which came in on 22 May 2019, supplemented on 28 May 2019, stating that the cardboard was removed after cooperation with local trade union representatives following a break-in. At collaboration with employee organizations in 2015, views emerged such as others claimed that camera surveillance should not cover the place where the exchange 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 was broken. Infront of cooperation in August 2015, the employer's direction was stated to be that measures would taken so that areas where staff change could not be monitored by cameras. At the collaborative meeting was decided to ensure that each station would be adapted so that

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camera surveillance of dressing rooms would not take place. The emergency services have stated that since August 2015 there have been no complaints against the camera surveillance or that the issue of cooperation is raised again.

As for the information about the camera surveillance that is provided has

The rescue service stated that it is now included in the checklist during introduction that inform new employees about the camera surveillance, that a written information has been taken

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

camera surveillance.

The rescue service has attached to its final statement in May 2021 a decision made on 6 May 2021, where it is stated that the camera surveillance being reviewed must end with immediate effect. Furthermore, the need for camera surveillance must be re-assessed that IMY has made a decision in the current case.

Justification of the decision

Personal data controller

The management of the Rescue Service Östra Skaraborg is said to be personal data manager for the Rescue Service's personal data processing. IMY parts this view.

The time of the trial

The audited camera surveillance has been ongoing since March-April 2015 until May 6 2021. As the data protection regulation only began to be applied on 25 May 2018, IMY's examination, which takes place on the basis of said regulation, limited to circumstances that have occurred during the time thereafter. Circumstances connected with the introduction of camera surveillance in 2015 is thus outside IMY's supervision.

Rules for the Rescue Service's camera surveillance

Camera surveillance is a form of personal data processing. How and in which the extent to which camera surveillance is permitted in the current case is regulated in the data protection regulation and the camera surveillance act (2018:1200) which supplement data protection regulation.

The Camera Surveillance Act

Section 4 of the Camera Surveillance Act states that the law applies to camera surveillance according to Section 3 takes place with equipment available in Sweden. From § 3 point 1 of the Camera Surveillance Act it appears that camera surveillance includes that a television camera, another optical-electronic

instrument or comparable equipment, without being operated on site

used in such a way as to imply lasting or regularly repeated

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

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

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follows from law or other constitution, collective agreement or decision announced with support by law or other constitution.

The rescue service Östra Skaraborg is a municipal association and thus a authority, and is, as a starting point, subject to permission for camera surveillance. The question is then if the public is considered to have access to the place as the Rescue Service camera monitor. It appears from practice that the concept of "place to which the public has access" must be interpreted broadly (see the Supreme Administrative Court's ruling RÅ 2000 ref. 52). Many however, workplaces are considered a place to which the public does not have access (prop. 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. Any requirement to apply permit is therefore not available. However, the fact that the camera surveillance is permit-free does not mean that

the surveillance is allowed. In addition to the provision on permits, there are other rules in the CCTV Act, e.g. on confidentiality regarding the recorded material, obligation to negotiate with employee organizations and requirements for information, which may be relevant to follow during camera surveillance. In addition, the rules in data protection regulation.

The Data Protection Regulation

According to Article 2.1, the Data Protection Regulation shall, among other things, be applied to the processing of personal data in a completely automatic way. From article 4.1 of the data protection regulation it appears that any information relating to an identified or identifiable natural person is a personal data. According to Article 4.2, treatment refers to an action concerning personal data, for example collection, registration, reading and deletion. About one surveillance camera captures an identifiable person or any other personal data in image must therefore comply with the rules in the data protection regulation. Since The emergency services have filmed, and recorded sounds from, identifiable people with their 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 scope of this supervisory matter is the IMY's examination limited to whether the Rescue Service has a legal basis according to Article 6 i the data protection regulation to conduct the current camera surveillance, if

The emergency services have lived up to the basic principles for treatment of personal data in Article 5.1 a on legality and correctness and in Article 5.1 c on data minimization, as well as whether the Rescue Service has met the requirements for safety i Article 32 by having taken appropriate organizational measures.

Is the Rescue Service's camera surveillance permitted according to data protection regulation?

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

In Article 6 of the Data Protection Regulation, it is stated that a treatment is only legal if at least one of the conditions specified in the article is met, that is, there is a legal basis for the treatment.

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

The emergency services have stated that the legal basis for the surveillance is to the surveillance is necessary to carry out a task of public interest according to article 6.1 e of the data protection regulation.

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Of the preparatory work for law (2018:218) with supplementary provisions to the EU's data protection regulation (hereinafter the data protection act) the following appears in prop. 2017/18:105 (p. 60).

In order for the processing of personal data to be permitted according to article 6.1 e of the data protection regulation requires that the purpose of the processing is necessary to perform the task. This must according to the government's assessment should not be interpreted as meaning that the task must be of public interest bounded so that it can only be performed in one way. The method that it however, the data controller chooses to perform its task must – like all public administration – be expedient, efficient and proportionate and must therefore not lead to an unnecessary intrusion into individual privacy. The more detailed a certain task has been regulated, the there should be less room for the person in charge of personal data to choose different approaches. This in turn leads to a larger predictability in terms of which personal data processing can

updated. If an assignment has instead been settled on one more overall and result-oriented level it can probably be carried out on many different ways, which in relation to each other can be more or less necessary in the sense of the data protection regulation.

According to Article 6.3, treatment with support in Article 6.1 e must also be determined accordingly with Union law or the national law of a Member State.

The rescue service's operations are regulated nationally in the law (2003:778) on protection against accidents. According to chap. 1, rescue service is defined as § 2 the rescue efforts that the state or the municipalities must be responsible for accidents and imminent danger of accidents, for to prevent and limit damage to people, property or the environment. From ch. 1 Section 3 it appears that the rescue service must be planned and organized so that the rescue efforts can be started within an acceptable time and carried out efficiently. Although more detailed regulations for how the Rescue Service must process personal data is 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 assignment must be carried out than if the regulation had been more specific.

The emergency services have stated that the purposes that have been determined for the monitoring are following.

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To facilitate leadership and efficiency during a rescue operation

To facilitate presence control of the firefighters who move in after an alarm

To facilitate vehicle selection

To make it possible to ensure that the force leader is well and able to 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 intend to enable work management and efficiency in an alarm situation. The the latter two purposes relate to physical security at the fire station.

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The emergency services have stated that the camera surveillance at all fire stations except at Tibro station with automatics, the space there has also taken place the expression clothes are kept. This means that other fire stations have the surveillance covered the place where the staff change to the alarm station. The reason for the camera at Tibro station has not guarded the place for change in case of alarm is one programming errors which have meant that the camera movement pattern has not covered the location for replacement, if the camera has not been manually controlled to monitor it. According to However, the rescue service's intention has been to fix this so that even the camera surveillance at Tibro station would include a place to change. Compared to those stations where the place for changing has been guarded, the Rescue Service has stated that on Tibro station has had worse conditions for the management ability and efficiency at exclamation. It has been more difficult to ensure attendance control and to ensure that the force leader is fine at the alarm. Through the camera surveillance, the purposes with the surveillance related to the alarm situation is achieved at the same time as the personnel ready to go on an alarm, that is, the working method is cost- and execution efficient.

IMY's assessment – legal basis

IMY states that the camera surveillance carried out by the Rescue Service refers to surveillance of employees at their workplace where staff must be under working hours. Those registered are in a dependent position and are monitored in their everyday environment. The monitoring has meant 24/7 monitoring in real time and the catchment area has also included a place for changing. There are data that it has happened that employees have stayed on for reasons of efficiency during the changeover the changing area completely without clothes, which has however been refuted by the Rescue Service. Both the scope of the surveillance and what is captured by the cameras have increased the infringement for the individual.

The camera surveillance, which has included the employees in their underwear, means that the Rescue Service has camera surveillance of the employees in privacy-sensitive situations. However, the processing has not included special categories of personal data, so called sensitive personal data, according to Article 9 of the data protection regulation. The national legislation which according to Article 6.3 shall determine the legal basis does not therefore need to 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 public interest and that the Rescue Service has had a legal basis according to 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 the basic principles for the processing of personal data in Article 5.

Basic principles for processing personal data (Article 5)

In Article 5 of the Data Protection Regulation there are a number of basic principles like that personal data controller must take into account when processing personal data.

From Article 5.1 a it follows, among other things, that all personal data processing, in addition to being legal, must also be correct (the principles of legality and correctness). Of article 5.1 c follows that personal data processed must be adequate, relevant and not

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

In conclusion, it follows from Article 5.2 that the person in charge of personal data shall be responsible for and be able to demonstrate that the principles that follow from Article 5.1 are complied with (the principle of liability).

The principles of legality and correctness (Article 5.1 a)

That the processing must be legal means there must be a legal basis in Article 6. IMY has assessed above that the Rescue Service fulfills the requirement on a legal basis in Article 6.1 e, information of general interest. The treatment is therefore deemed to be compatible with the principle on legality in Article 5.1 a.

As for the processing to be correct, the following can be seen from the preparatory work the data protection act (prop. 2017/18:105 p. 47).

As far as the principle of correctness is concerned, a comparison with other language versions are questioned as to whether the Swedish term is correct corresponds to the intention of the provision. In the Danish language version instead, it is stated that the data must be treated fairly. 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 expression Treu is used

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

All these terms indicate in the opinion of the government, more clearly than that

the Swedish term is correct, that a balancing of interests must be done. In it

in individual cases, it can therefore e.g. be inconsistent with the principle of

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

itself could be considered legally founded under Article 6, viz

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

The legislature has here stated that even if a legal basis exists, it should in a

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

balance 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

are there any other, less privacy-infringing solutions to do the same thing without

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

necessary that camera surveillance takes place around the clock to carry out emergency services, without

that it only needs to happen 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 around the clock

around.

To the balancing of interests that the legislator means must be done 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

specified that, among other things, the following circumstances must be taken into account when examining whether

the principle of correctness is complied with.³ It states, for example, that the processing shall

conform to the data subjects' reasonable expectations. Further that balance of power should

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be a central goal of the relationship between the personal data controller and it registered. The personal data controller must also respect the data subject fundamental rights and take appropriate measures and safeguards. The personal data controller 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 them different interests.

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

The emergency services have stated that, among other things, they have a preparedness for people who end up in distress at sea and other life-threatening situations, toxic substances that are released into nature, traffic accidents, fires that occur in buildings and terrain and people and property threatened by extreme weather. It is not infrequent that lives are in danger at them events The emergency services are alerted in seconds or minutes make a difference.

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

The emergency services have stated that there are no other less privacy-sensitive ways to achieve the same efficiency. At the Tibro fire station, where guarding the place of change has not occurred automatically, the prerequisites for the ability to conduct and the efficiency when called out has been worse compared to other stations. The staff do not stay at the station more than the time they put on alarm gear, which means that if communication with them is to take place without the rescue effort being delayed, must it continues at the same time as the exchange takes place.

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

One of the purposes of the surveillance is presence control of the firefighters who move in after alarm. IMY states that camera surveillance to perform presence control on a workplace is in principle not permitted. In the current case, the security interest has been judged to weigh heavy, especially in case of alarm. IMY makes the assessment that the Rescue Service's surveillance is one such case where camera surveillance as an attendance check can be considered permissible. At it the assessment has particularly taken into account the requirement for effectiveness in the event of an alarm. The emergency services, where seconds and minutes can make a difference to life and health.

With regard to the interests of the data subjects, it can be stated that the places which camera surveillance are workplaces where the employees, who are dependent on their employer, must be present during their working hours. The employees stay in the carriage hall both in the event of an alarm but also during the performance of other tasks. The character of the place means that the employees are there in their everyday environment and cannot opt out be monitored by cameras. The interest in privacy therefore weighs heavily as a starting point.

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When it comes to eavesdropping and recording sound in connection with camera surveillance is this is particularly sensitive to privacy and is only exceptionally permitted. As privacy-enhancing measure, however, a light turns on when the microphone that enables oral communication between the control center and the wagon hall is activated. IMY states that the audio interception is thus limited to situations that require communication and that the microphone has been used in sharp situations during alarms, when the need to monitor weighs particularly heavily. Furthermore, the audio that is intercepted 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 the sound recording in the event of an alarm as it has been conducted is permitted.

Furthermore, it appears that the guarded area also includes a place to change when entering and stripping of alarm stands, where the camera surveillance in the event of an alarm for a short while has caught the employees in undergarments or underwear when changing into performance clothes.

Whether the staff in some cases have been monitored completely without clothes has not been able to be clarified the case. The rescue service believes that the employees are extremely used to handling integrity-sensitive situations both in the performance of their duties during rescue efforts towards third parties, but also at the station work and internally in the organization when that exchanges take place in front of each other in every alarm situation, but also during regular practice and education. The emergency services consider that the internal commander who has access to real-time monitoring has 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 change can be accommodated in front of colleagues and commanders well in a proportionality perspective.

IMY assesses that the privacy interest at the place where the exchange takes place is significantly greater more prominent than in the rest of the carriage hall. However, it must be considered that the solution with exchange to the alarm stand in the carriage hall and the camera surveillance of this is deemed necessary

for the efficiency of the business, which reduces the intrusion somewhat. IMY does, however

overall, the assessment that the overall interest in privacy at the site weighs

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

the changing situation is wearing underwear or underwear.

In the assessment of the two sides of the balancing of interests, IMY has thus assessed that

the need for surveillance weighs heavily, especially in the event of an alarm, and that it was recorded, they

employees' interests in terms of camera surveillance of the place of change carry a lot of weight

heavy.

When weighing up the needs of the Rescue Service and the interests of the employees do

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

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

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

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

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

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

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

the employees are dependent on their employer, which means that

the balance of power is uneven.

Since the monitoring of exchanges includes privacy-sensitive information, higher demands are made

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

necessary with privacy-enhancing measures, for example a partial shielding of

the place of exchange. The emergency services have indicated that as integrity-enhancing measures

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in addition to the fact that a light is lit when the microphone is activated, only the sound can be heard from it the wagon hall in a headset in the control center and that there are restricted access to the command center. In terms of, for example, masking or delimiting parts of the site for exchange to minimize the collection of this data, has any such measure not revealed during IMY's review.

Regarding masking the place of change, the Rescue Service has in its opinion on 22 May 2019, stated the following (p.7).

In light of the fact that most stations have alarm points hanging in the carriage hall completely defeated the purpose of the cameras on these surfaces was screened off, i.e. the carriage hall would not be seen in the cameras.

From images from the camera surveillance that the Rescue Service has submitted in its statement 16 January 2019, however, in IMY's opinion, it seems clear that without major difficulty should be possible to partially delineate the occupation of the place of exchange from respective camera, so that no more than, for example, heads are captured by the surveillance.

This can, for example, either happen through a masking of the camera views that show the place of change or through a physical screen in the respective carriage hall.

Regarding the impact of the camera surveillance on the employees' rights and dignity, IMY states that it has not emerged that it has been possible to avoid that be monitored by cameras during the changeover to the alarm stand. Having camera surveillance when changing occurs in the event of an alarm, could mean that the employees have repeatedly been in their underwear brief moments in the guarded area. In an objective assessment, it can be considered go beyond what is proper treatment by an employer.

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

The rescue service's interest in monitoring has been judged to weigh heavily, especially in the event of an alarm. However, the interests of the data subjects have been deemed to weigh very heavily, especially in the case of place for changing to an alarm stand, which has been monitored by cameras without masking or

demarcation. Even when account has been taken of the special circumstances and requirements of efficiency that prevails in the Rescue Service's efforts, IMY states that they employees' interests weigh more heavily in the question of the place of change 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 occurred in violation of 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 that is processed must be adequate, relevant and not too extensive in relation to the purposes for which they are processed, which constitutes the principle of data minimization.

The camera surveillance that is now being reviewed has been carried out around the clock in real time in the carriage hall at eight fire stations and has included room for changing without any masking or demarcation. Internal commanders at the command center have reviewed the camera surveillance at alarm.

The emergency services have stated that it is not necessary to monitor the carriage hall with cameras around the clock, without it only having to happen in case of an alarm to the station in question. 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 regards the guarding of the place for changing, 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 change is necessary as the staff no longer stays at the station than the time they put on alarm gear. This means that communication with them must

take place at the same time as they change, so that the rescue operation is not delayed.

IMY's assessment – the principle of task minimisation

IMY has stated above that monitoring employees who change means treatment

of privacy-sensitive information that goes beyond what the individual needs

accept. The monitoring of the fire stations has included employees who are in

dependent relationship to their employer. It places special demands on the employer to

take measures to reduce the breach of privacy for the employees. Some adaptation of

the guarding has not been carried out, in addition to access restriction, and place for change

has been camera monitored without masking or delineation. The monitoring has been ongoing

around the clock in real time, despite the fact that it has been stated to be necessary only in the event of an alarm.

Against this background, IMY notes that the Rescue Service's camera surveillance has

entailed an excessively extensive processing of personal data in relation to

the purposes. The processing has therefore 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 intended the physical safety of

the fire stations, that is to ensure shell protection and to assess the correctness of

According to the Rescue Service, alarms connected to the key cabinets at the stations do not

included preventing and investigating crime. IMY states that the purposes are

entitled, but that 24-hour camera surveillance is too far-reaching for those specified

purposes. Said objectives should be achievable with less far-reaching measures, to

for example through a different solution for entry or an activated surveillance in the event of an alarm

from the key cabinet.

Even this processing has therefore taken place in violation of the principle of data minimization i

article 5.1 c of the data protection regulation.

Security in connection with the processing (Article 32)

With regard to the security of the Rescue Service in connection with the camera surveillance, IMY has

reviewed the organizational security in terms of authorization management and guidelines for handling the surveillance material.

Article 32 of the data protection regulation regulates security in connection with processing.

According to point 1, the personal data controller and the personal data assistant must, among other taking into account the latest developments, implementation costs and the nature, scope, context and purpose of the processing and the risks, of varying degree of probability and seriousness, for the rights and freedoms of natural persons take appropriate technical and organizational measures to ensure a security level that is appropriate in relation to the risk.

According to point 2, when assessing the appropriate level of security, special consideration must be given to them risks that the processing entails, in particular for accidental or illegal destruction, loss or alteration or to unauthorized disclosure of or unauthorized access to them personal data transferred, stored or otherwise processed.

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

Reason 39 of the data protection regulation states, among other things, that personal data should be processed in a manner that ensures appropriate security and confidentiality for the personal data and prevents unauthorized access to and unauthorized use of personal data and the equipment used for 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 brought up to full screen view, of which 6 internal commanders as

has his workplace in the command center, 16 other officers and managers who have tasks in the command center in case of alarms or staff work and 7 operating technicians for maintenance of premises and technology. All employees do not stay there at the same time, but the employee who has taken part in the camera material is the duty interior commander in the event of an alarm. Every

however, employees who have access to the command 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 stake is complicated or several parallel operations in progress may several internal commanders or others control functions are in the control center at the same time and have then been able to see the camera image.

The emergency services have stated that there have been no guidelines for when an authorized person has been allowed to view the camera image. However, the working method has been that the camera image manually taken up in full-screen view in the event of an alarm on the current station.

IMY's assessment – safety of the treatment

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

IMY notes that the Rescue Service has stated that a number of people have access to the room where the camera surveillance is shown in real time, the command 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 several people have access to the real-time monitoring 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 greater number of employees are authorized to access information from the camera surveillance. However, it is central that the person in charge of 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 prerequisites and if the authorization is surrounded by special restrictions for the handling of the image material.

IMY notes that a personal data controller according to Article 32.1 must take appropriate measures technical and organizational measures to ensure a level of security that is appropriate in relation to the risk. When assessing the appropriate security level, special account is taken of the risks that the processing entails, including for unauthorized access to the personal data processed. The person in charge of personal data must according to 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 information that is processed, the higher the demands placed on security in order to it must be considered appropriate in relation to the treatment being carried out. That guidelines has been missing for when and how the camera surveillance may be used can mean that those who has handled the camera surveillance has gone beyond what is necessary and thus allowed. It also means that there can be uncertainty for those who have camera surveillance, concerning in which situations the camera surveillance has been used and whether it has been limited to situations where the surveillance has been necessary.

As the monitoring has been conducted, it has included systematic monitoring of employees and privacy-sensitive processing of personal data regarding the monitoring of employees who change. The requirements for security are thus raised for it to be considered

have an appropriate level. Since guidelines are said to have been completely missing, IMY notes that

The emergency services have breached the requirement to ensure that personal data only

handled according to instructions from the personal data controller and that the requirement for appropriate

organizational measures to ensure a level of security that is appropriate i

relation to the risk is therefore not met. IMY therefore notes that

The rescue service has processed personal data in violation of article 32.1 and 32.4 i

data protection regulation.

Choice of intervention

Legal regulation

If there has been a breach of the data protection regulation, IMY has a number

corrective powers to be available according to Article 58.2 of the Data Protection Regulation.

The supervisory authority can, among other things, instruct the person in charge of personal data to ensure

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 IMY in accordance with Article 83 shall

impose penalty charges in addition to or in lieu of other corrective measures which

referred to in Article 58(2), depending on the circumstances of each individual case.

For authorities, according to Article 83.7 of the Data Protection Ordinance, national rules may be specified

that authorities can impose administrative penalty fees. According to ch. 6 Section 2

the data protection act, penalty fees can be decided for authorities, but up to a maximum

SEK 5,000,000 alternatively SEK 10,000,000 depending on whether the violation concerns

articles covered by article 83.4 or 83.5 of the data protection regulation.

In Article 83.2, the factors to be taken into account in deciding whether an administrative

penalty fee must be imposed, but also what will affect the penalty fee

size. Of central importance to the assessment of the seriousness of the violation is its

nature, severity and duration. If it is a minor violation

may the supervisory authority, according to recital 148 of the data protection regulation, issue a reprimand instead of imposing a penalty fee.

Penalty fee

The supervision IMY has carried out has shown that the Rescue Service has processed personal data in violation of article 5.1 a and 5.1 c as well as article 32.1 and 4 of the data protection regulation.

When assessing whether the violations are so serious that an administrative penalty fee is to be imposed if IMY has taken into account that the processing of personal data has intended camera surveillance of dependent employees, in their everyday environment who have including privacy-sensitive situations. The surveillance has taken place systematically during

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long time. The monitoring has meant that more information than necessary has been processed at the time the part has taken place around the clock in real time, despite the fact that needs only exist in the event of an alarm, and partly without any masking or demarcation having taken place of the surface where the employees changes. The extent of the surveillance has been relatively large as it has been carried out around the clock around in real time in the carriage hall at eight fire stations, which means that a not insignificant number of registrants has been affected. Furthermore, it has not emerged that the Rescue Service, during the time the camera surveillance has been in progress, in addition to a light indicating activated microphone as well as some access restrictions, have taken some steps to reduce the breach for the employees. IMY's assessment is that the treatment has not involved a minor infraction. The violations must therefore lead to an administrative penalty fee.

The provisions of the data protection regulation that the Rescue Service has violated is covered by both Article 83.4 of the Data Protection Regulation and Article 83.5. The

the maximum amount for the penalty fee is according to article 83.4 and 83.5 and ch. 6 Section 2

second paragraph of the Data Protection Act SEK 5 million regarding the violations of article

32 and 10 million kroner regarding the violations of article 5.

The administrative penalty fee must be effective, proportionate and

deterrent. This means that the amount must be determined so that the administrative

the penalty fee leads to correction, that it provides a preventive effect and that it

in addition, is proportionate in relation to current violations as well as to

the supervised entity's ability to pay.

In determining an amount that is effective, proportionate and dissuasive may

IMY states that the Rescue Service has camera surveillance of employees who are in

dependent relationship to their employer, in a privacy-sensitive situation when changing to

alarm stand, which has meant that they have been systematically filmed in underwear or

subordinate at their workplace. The monitoring has been going on around the clock in real time even though

need has only been present in the event of an alarm. In these respects, the emergency services have not

have taken the necessary measures to limit the collection of data. The surveillance

has taken place systematically 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. Even if these have been authorized to take part in the surveillance have

there was a complete lack of guidelines and instructions for in which situations authorized persons have

had the right to access the camera surveillance. These circumstances are seen as

aggravating.

In the assessment, IMY has taken into account the Emergency Services' weighty need for

the camera surveillance and the requirement for efficiency that is incumbent on the Rescue Service, as well

the socially important task of preventing and limiting accidents and danger of accidents

damage to people, property or the environment where seconds and minutes can be

crucial. Consideration has also been given to the fact that the current rules only began to be applied in

May 2018. The examination has thus been limited to time thereafter. It has also emerged

that the camera surveillance has now ceased. The fact that the decision in the matter has dragged on for a long time lies not the Rescue Service as a burden when assessing the violations.

After an overall assessment, IMY finds that the Directorate for Rescue Services Östra

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

the violations of article 32.1 and article 32.4 of the data protection regulation.

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This decision has been taken by the general manager Lena Lindgren Schelin after a presentation

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

Charlotte Waller Dahlberg and the lawyer Jeanette Bladh Gustafson participated. During

the proceedings have also been attended by the Chief Justice David Törngren.

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

Appendix

Information on payment of penalty fee

Copy to

The management of the Rescue Service Östra Skaraborg's data protection officer:

dataskyddsbud@skovde.se

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How to appeal

If you want to appeal the decision, you must write to the Swedish Privacy Agency. Enter in 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 Privacy 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 information that may be covered by secrecy. The authority's contact details appear on the first page of the decision.