

The National Genome Center is recommended for a fine

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Decision

Public authorities

Police report

Prohibition

Supervision / self-management case

Sensitive information

Risk assessment and impact analysis

The Danish Data Protection Authority reports the National Genome Center to the police and recommends a fine of DKK 50,000. The Danish Data Protection Authority assesses that the center has violated the rules of the GDPR by starting the processing of information without consulting the Danish Data Protection Authority.

On 9 December 2021, the Danish Data Protection Authority received a data protection impact assessment (DPIA) from the National Genome Center (NGC), which processes information on gene sequencing. It emerged from the impact analysis that, after starting the processing, NGC had been made aware of conditions that could pose a high risk to the rights of the data subjects.

After an initial investigation of the case, the Danish Data Protection Authority imposed a temporary ban on further collection of personal data and a limitation in the processing of the already collected data to include storage only on 13 January 2022. The prohibition and processing restriction were to apply until NGC had fulfilled the rules on the content of a DPIA and until an opinion from the Danish Data Protection Authority was available, if this was required. The Danish Data Protection Authority reserved the right to later use all its powers in relation to a possible sanction.

In the period after 9 December 2021, NGC - after consultation and dialogue with the Norwegian Data Protection Authority - presented additional documentation and revised parts of the material already sent.

Violation of the rules on consultation with the Data Protection Authority

After a review of the case, the Danish Data Protection Authority finds that NGC has not acted in accordance with the rules, as they have started processing personal data without consulting the Danish Data Protection Authority, even though their own

impact analysis showed that there was a high risk to the rights of the data subjects.

The Norwegian Data Protection Authority has emphasized that NGC's description of consequences and probability as well as the description of the product's risk should have led NGC to state that there existed risk scenarios in the category NGC itself called "high", which contained a high residual risk which was not brought down.

The Danish Data Protection Authority has placed particular emphasis on the fact that NGC's own description of the existing residual risk was largely consistent with the wording of what is defined as a high risk at European level (see Article 29-Group's guideline WP248, rev. 01, from October 2017 ). In addition, it is the general opinion of the Danish Data Protection Authority that, with the most intrusive consequences for the data subjects, only a very limited probability of realization can be tolerated before there is a high risk overall.

Why report to the police?

The Danish Data Protection Authority always makes a concrete assessment of the seriousness of the case when assessing which sanction is, in the opinion of the Danish Data Protection Authority, the most appropriate.

In making the recommendation to the police, the Data Protection Authority has, among other things, emphasis was placed on the high quality of the risk work at NGC and on NGC's very active participation in the disclosure of the case, which has reduced the case processing time significantly.

"We take this case very seriously, because it is about the basic principle that if an organization's processing of personal data will pose a high risk to the persons it is about, then the organization must work with the risk and reduce it before it starts processing the information," explains Allan Frank, IT security specialist and lawyer at the Norwegian Data Protection Authority, and continues:

"If the organization has not been able to reduce the risk by carrying out the impact analysis, the Data Protection Authority must be consulted first to ensure that the processing is legal and that the data controller has identified all necessary risks and reduced the risk. In other words, this is a significant guarantee of legal certainty for citizens' rights. If you ignore it, you undermine the Danish Data Protection Authority's ability to find out about and check the legality of processing that entails a great risk for the persons whose information is being processed."

Do you want to know more?

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