

Decision

Diary no

2019-04-03

DI-2018-19918

Your diary no

A528.572/2018

The police authority

Legal Department

The Unit for Legal Governance and Support

Box 122 56

102 26 Stockholm

Supervision according to the Crime Data Act (2018:1177) The police authority's list of

treatments

The Swedish Data Protection Authority's decision

1.

The Data Inspectorate states that the Police Authority's list of

treatments, for certain categories of treatments, information is missing

on the categories of officials who have access to the personal data that is processed and the categories of recipients to whom

the data may be disclosed in accordance with ch. 3. Section 3 3 and 4 of the Criminal Data Ordinance (2018:1202).

The Swedish Data Protection Authority orders according to ch. 5. 7 § 2 of the Criminal Data Act

The police authority that in the list of treatments, for each

category of treatment, indicate the categories of officials who have

access to the personal data processed and the categories of

recipients to whom the data may be disclosed, at the latest

on 31 October 2019.

2. The police authority is ordered to submit a

written report to the Data Inspectorate of the measures which

The police authority has taken due to the injunction in

point 1.

Postal address: Box 8114, 104 20 Stockholm

Website: www.datainspektionen.se

E-mail: datainspektionen@datainspektionen.se

Telephone: 08-657 61 00

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Miscellaneous

In addition to what appears in points 1-2, the Data Inspection Authority leaves

recommendations, according to ch. 5 7 § 1 of the Criminal Data Act, to the Police Authority

applicable deadlines for how long the categories of personal data receive

processed according to ch. 3 3 § 9 of the Criminal Data Ordinance.

Account of the supervisory matter

On 17 October 2018, the Data Inspectorate started supervision of the Swedish Police Agency

for the purpose of reviewing the Police Authority's list of treatments of

personal data comply with ch. 3 Section 3 of the Criminal Data Ordinance.

The police authority has essentially stated the following. The police authority has chosen

to divide the list into two parts: one for supported treatments

of the data protection regulation¹ and one for treatments carried out with the support of

the crime data act. The two parts consist of two separate tabs in an Excel file. The list also contains a tab with general

information about personal data responsibility and contact details for the data protection officer. In addition to the list, the

Police Authority has additional documentation about each personal data processing. However, the documentation is not

considered part of

the list.

When creating the Police Authority's list of treatments

the data was migrated from the personal data representative's list. Associated

with it, some obsolete treatments and duplicates were removed. It was done

also an overall quality assurance of the applicable law, taking into account among

other, the Criminal Data Act's extended scope of application compared to the Police Data Act (2010:361).

As regards the columns "officials with access" and "categories of

recipient" these have been reviewed so that the correct information is in the correct column. The

however, are many lines that still lack information. This information

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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 the repeal of Directive 95/46/EC (General Data Protection Regulation).

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can be found in the underlying documentation "Notice to PUO's

list".

As for the "deadlines" column, no work has yet started.

The police authority has assessed that the information contained in the old

the notifications are not good enough for it to be possible to update

the list to a greater extent than has been done so far. Instead, one should

major work is initiated to update all older notifications and replace them

with new ones.

In its review of the Police Authority's list, the Data Inspectorate has

over treatments mainly observed the following. The police authority

list of treatments contains the following columns.

- Name,
 - legal basis,
 - responsible for the processing,
 - purpose,
 - categories of officials with access,
 - categories of recipients to whom the data may be disclosed
- to,
- categories of registered and personal data,
 - collection of transfers to third countries,
 - use of profiling,
 - deadlines for how long the categories of personal data may be processed
- and
- general description of security measures.

Justification of the decision

What the Swedish Data Protection Authority has to decide on

In the supervisory matter, the Data Inspectorate has to take a position on whether the Police Authority's list of processing meets the requirements ch. 3. Section 3 of the Criminal Data Ordinance. The inspection only concerns the list that the Police Authority keeps according to the Criminal Data Act.

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Applicable regulations

On August 1, 2018, the Criminal Data Act entered into force with supplementary provisions of the Criminal Data Ordinance. The Criminal Data Act applies

according to ch. 1 Section 2 for the processing of personal data carried out for the purpose of prevent, prevent or detect criminal activity, investigate or prosecute crime or enforce criminal penalties. It also applies to treatment of personal data carried out for the purpose of maintaining public order and security. For the Police Authority, in addition to the Criminal Data Act, since on 1 January 2019 also the law (2018:1693) on the police's processing of personal data within the scope of the Criminal Data Act (the Police Criminal Data Act) with supplementary provisions in the regulation (2018:1942) on the police processing of personal data within the scope of the Criminal Data Act. In that the Police Crime Data Act came into force, the Police Data Act ceased to apply.

According to ch. 3 § 3 of the Criminal Data Ordinance, the personal data controller must keep a list of the categories of processing of personal data which he is responsible for. The list must contain the name and contact details of the personal data controller, joint personal data controller and data protection officer. The list must also, for each category of treatment, contain the following information:

1. the legal basis for the processing,
2. the purposes of the processing,
3. the categories of officials who have access to the personal data which treated,
4. the categories of recipients to whom the data may be disclosed, also in third countries or international organizations,
5. the categories of data subjects affected by the processing,
6. the categories of personal data that may be processed,
7. collections of transfers of personal data to third countries or international organizations,
8. use of profiling,

9. if possible, deadlines for how long the categories of

personal data may be processed, and

10. if possible, a general description of which security measures are

has been taken.

According to ch. 5 Section 7 of the Criminal Data Act allows the Data Inspectorate to use the corrective powers if it is

established that personal data is being processed in violation

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by law or other constitution or that the person in charge of personal data or

the personal data processor does not fulfill its obligations in any other way.

The police authority's list of treatments

The Swedish Data Protection Authority's assessment

The Data Protection Authority states that the Police Authority's list of processing, for certain categories of processing, lacks

information on the categories of civil servants who have access to the personal data being processed

and the categories of recipients to whom the data may be disclosed.

The reasons for Datainspektionen's assessment are as follows

The police authority for a list according to ch. 3. Section 3 of the Criminal Data Ordinance

over the categories of processing of personal data by the authority

responsible for according to the Criminal Data Act. For each category of treatment it must

according to the provision, certain enumerated information is specified (items 1-10).

The police authority's list of treatments is contained in separate

columns the points listed in the provision. The Swedish Data Protection Authority has

no comments regarding points 1-2, 5-8 and 10.

The columns to indicate the categories of officials who have access to them

personal data that is processed (point 3) and the categories of recipients

to whom the information may be disclosed (item 4) lacks information

for certain categories of treatments. The Swedish Data Protection Authority therefore notes that

The police authority's list of treatments, for certain categories of

treatments, missing information according to ch. 3 § 3 Section 3 and 4 of the Criminal Data Ordinance. Due to this, the Swedish

Data Protection Authority has found reasons to

use the corrective powers in ch. 5. Section 7 of the Criminal Data Act.

The Swedish Data Protection Authority orders according to ch. 5. 7 § 2 of the Criminal Data Act, the Police Authority that in the

list of treatments, for each category of treatment,

indicate the categories of officials who have access to the personal data that

processed and the categories of recipients to whom the data may reach

released to.

The column for deadlines for how long the categories of personal data get

treated is, for each category of treatment, empty. According to ch. 3 § 9 criminal

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the data regulation, if possible, deadlines must be specified. The police authority has indicated that a major effort is to be

initiated to update everyone

older notifications to the previous list and replace them with new ones.

The Data Inspectorate states that the Police Authority's list of

treatments lack information about deadlines according to ch. 3. 3 § 9 of the Criminal Data Ordinance. According to ch. 5, the

Swedish Data Protection Authority may 7 § 1 of the Criminal Data Act through

advice, recommendations or remarks (as stated in chapter 5, section 6, first

paragraph of the same Act) try to persuade the Police Authority to take measures. The Swedish Data Protection Authority

considers that it is currently sufficient to recommend the Swedish Police Agency to make an assessment of whether it is

possible to specify deadlines in

the list of treatments.

This decision has been made by unit manager Charlotte Waller Dahlberg after presentation by lawyer Maria Andersson.

Charlotte Waller Dahlberg

Maria Andersson

Copy to:

The Security and Privacy Protection Board

How to appeal

If you want to appeal the decision, you must write to the Swedish Data Protection Authority. Enter in the letter which decision you are appealing and the change you are requesting. The appeal must have been received by the Swedish Data Protection Authority no later than three weeks from it day the decision was announced. If the appeal has been received in time, send

The Swedish Data Protection Authority forwards it to the Administrative Court in Stockholm for examination.

You can e-mail the appeal to the Swedish Data 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.