

Logging of residents' key tags

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Decision

Private companies

In a specific case, the Danish Data Protection Agency found that a housing association's logging of the residents' key tags was in breach of the data protection rules. However, in other cases concerning housing associations' logging of key tags, the Danish Data Protection Agency has found that logging can take place without consent.

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Summary

In a specific case, the Danish Data Protection Agency found that a housing association's logging of the residents' key tags was in breach of the data protection rules. The housing association had stated to the authority that the company's interest in logging was to give the residents the best possible experience with the locking system, e.g. by allowing a technician to access the logs in order to troubleshoot the system in the event of any problems.

The Danish Data Protection Agency found that logging of the residents' key tags could not take place without the consent of the residents, as the housing association's interest in the processing was not immediately found to exceed the residents' interest in protecting their personal data. The Danish Data Protection Agency emphasized that the logging in question, in the Authority's view, approximately took on the character of surveillance and constituted a significant interference with the residents' privacy.

However, in other cases concerning housing associations' logging of key tags, the Danish Data Protection Agency has found that logging can take place without consent. It thus depends on a concrete assessment of the purpose that a housing association wishes to pursue, whether logging of key tags can be done with or without the consent of the residents.

Decision

The Danish Data Protection Agency hereby returns to the case where X (hereinafter complains) on 16 January 2019 has complained to the supervision of Arbejdernes Andels Boligforening's (hereinafter AAB) processing of personal data.

Decision

Following an examination of the case, the Danish Data Protection Agency finds that there are grounds for expressing criticism

that AAB's processing of personal data has not taken place in accordance with the rules in Article 6 and Article 13 of the Data Protection Regulation [1].

Below is a more detailed review of the case and a justification for the Danish Data Protection Agency's decision.

## 2. Case presentation

It appears from the case that complainants in January 2019 received a letter from AAB dated October 2018, stating that AAB was in the process of installing a new locking system based on key tags. It appears from the letter that

“AAB logs where the key tags are used. If you want an overview of your log, you must contact the Service Center. ”

On 16 January 2019, the complainant contacted the Danish Data Protection Agency with a complaint about the mentioned logging of her movements on the property without her consent and without having been informed in more detail about the processing of the collected personal data.

Holst, Advokater has on behalf of AAB on 5 March 2019 issued a statement on the case. It appears i.a. of the opinion that AAB will design additional material for the residents in order to comply with the disclosure obligation in Article 13 of the Data Protection Regulation.

By e-mail of 14 May 2019, Holst, Advokater has stated that the logging on the key tags has ceased after the law firm's contact with the manufacturer of the system.

### 2.1. Complainant's remarks

#### 2.1.1. Processing of personal data

Complainants have generally stated that AAB's processing of personal data in connection with the new locking system is illegal and that complainants have not been informed in writing about the processing.

Complainants have stated, among other things, that AAB has informed her that the procedure is legal because it is only data about the home that is collected and because the key tags are associated with an address and not a person. Complainants have noted that she lives alone and that therefore it will always be her who is logged information about.

Complainants have further stated that the purpose of achieving a saving in relation to the day-to-day operation does not legitimize the collection and storage of information about the residents in question.

Complainants have also stated that the collection, storage and processing of the personally identifiable data about her movements around her home requires express consent.

### 2.1.2. The duty to provide information

Complainants have claimed that she has not received any information about the processing in connection with the locking system other than the letter of October 2018.

## 2.2. AAB's comments

### 2.2.1. Processing of personal data

AAB has stated that the locking system was introduced in the autumn of 2018, where each lease was allocated 5 key tags for use in opening doors to stairwells, laundry rooms and other common areas. When using a key tag, a transponder ID, an event code and a time stamp are logged that a user has used the lock at that time.

The purpose of switching to key tags was to achieve savings for the residents compared to the daily operation of replacing and maintaining the locking system.

AAB has stated that ABB initially assessed that information collected via the key tags does not constitute personal data, but after reassessing this, AAB finds that in certain cases there may be a collection of personal data.

Regarding the purpose of the logging, AAB stated in the statement of 5 March 2019 that the logging is carried out for the sake of maintenance and operation of the locks.

Regarding the authority to log the information, AAB has referred to Article 6 (1) of the Data Protection Regulation. 1, letter f (the balance of interests rule). In this connection, AAB has stated that AAB has a legitimate interest in giving the residents the best possible experience with the locking system, which presupposes that a technician can access the logs and thus can troubleshoot the system to find out the problem that the resident is experiencing. , and then resolve this.

### 2.2.1. The duty to provide information

AAB has referred to the letter of October 2018, which in connection with the introduction of the new locking system was sent out to all households in the affected departments.

AAB is now of the opinion that at least some of the loggings will constitute processing of personal data, and that AAB's letter should therefore have been based on the principles in Article 13 of the Data Protection Regulation, so that residents received more detailed information. AAB has stated that this supplementary material will be designed for the residents immediately.

### Justification for the Danish Data Protection Agency's decision

It appears from the case file that when a key tag is used to open a door, a transponder ID, an incident code and a time stamp

are logged that a user has used the lock at that time and that it is possible to link this information. to the key tag used.

The Danish Data Protection Agency then finds that as a result of the logging of the use of the key tags in the door locks and key tags, personal data is processed, at least in cases where there is only one person associated with the household.

The Danish Data Protection Agency has emphasized that personal data can be any data that alone or in combination with other information makes it possible to identify a natural person, cf. Article 4 (1) of the Data Protection Regulation.

The Danish Data Protection Agency assumes that information on complaints was logged without her consent and that AAB did not provide complainants with all the information that follows from Article 13 of the Data Protection Regulation at the time of collecting the information.

It follows from Article 6 (1) of the Data Protection Regulation 1, letter f, that the processing of ordinary personal data may take place if processing is necessary for the data controller or a third party to pursue a legitimate interest, unless the data subject's interests or fundamental rights and freedoms that require the protection of personal data take precedence. . It is thus a rule that requires a concrete balancing of interests.

On the basis of the purpose stated by AAB in logging the use of the key tags, the Danish Data Protection Agency finds that AAB's interest in the processing is not immediately found to exceed the data subjects' interest in the protection of their personal data.

The Danish Data Protection Agency has hereby emphasized that the logging in question, in the opinion of the Danish Data Protection Agency, approximately assumes the character of surveillance and constitutes a significant encroachment on the residents' privacy.

The Danish Data Protection Agency then finds that the processing for the stated purpose cannot take place within the framework of the balancing of interests rule in Article 6 (1) of the Data Protection Regulation. 1, letter f.

Pursuant to Article 13 (1) of the Data Protection Regulation (1), the data controller shall provide the data subject with a number of information when the data controller collects information from the data subject, including information on the purposes of the processing for which the personal data is to be used and the legal basis for the processing, cf. 1, letter c.

In addition, in accordance with Article 13 (1) of the Data Protection Regulation, the data controller must: 2, provide the data subject with a number of additional information if necessary to ensure a fair and transparent processing.

The Danish Data Protection Agency has noted that AAB has stated that the duty to provide information pursuant to Article 13

(1) 1, should have been observed in connection with the initiation of the logging and has subsequently been complied with.

Against this background, the Danish Data Protection Agency finds, after an overall assessment, only an opportunity to express criticism that ABB's processing of personal data on complaints in the form of logging of information about her has not taken place in accordance with the rules in Article 6 (1) of the Data Protection Regulation. 1 and Article 13.

In its assessment of the case, the Danish Data Protection Agency has attached importance to the fact that logging has now ceased, just as AAB has subsequently complied with the duty to provide information.

[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).