

Examination of selected safety areas: Odense Municipality

Date: 15-01-2021

Decision

Public authorities

Based on Odense Municipality's answers to the submitted questions, it is the Data Inspectorate's overall assessment that Odense Municipality's general maturity in the area of security is an expression of a level that suits the risks that the organization's processing activities pose to the data subjects' rights and freedoms.

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Summary

As part of the Danish Data Protection Agency's work to strengthen the data and risk-based approach to guidance and control, the Authority completed a number of questionnaire surveys in December 2020. The surveys were intended to shed light on the general maturity of selected security areas at seven public authorities and seven private companies. The questionnaires included i.a. issues for handling backup and breaches of personal data security as well as preparation of information security policies, contingency plans and documentation.

The Danish Data Protection Agency can state that the handling of backup in particular is an area that has the attention of the data controllers. In several cases, however, the Danish Data Protection Agency has assessed that the data controllers may have a greater focus on the establishment of contingency plans and contingency plans.

On 10 July 2020, the Danish Data Protection Agency sent a questionnaire to Odense Municipality.

On the basis of Odense Municipality's answer to the questionnaire, the Danish Data Protection Agency has subsequently been in telephone contact with the municipality on 16 December 2020 in order to elaborate on a number of the answers.

The Data Inspectorate's purpose in conducting the written questionnaire survey was in particular to make an assessment of Odense Municipality's maturity in the area of data protection with a special focus on handling breaches of personal data security and compliance with information security requirements, including handling documentation, backup and contingency plans.

The Danish Data Protection Agency has also, on the basis of Odense Municipality's response, made an overall assessment of the measures that Odense Municipality has assessed as appropriate to address the risks that the organization's processing

activities pose to the data subjects.

1. The Danish Data Protection Agency's assessment

1.1. Established security measures

Article 32 (1) of the Data Protection Regulation [1] 1, states, inter alia, that the data controller, taking into account the current technical level, the implementation costs and the nature, scope, coherence and purpose of the treatment in question, as well as the risks of varying probability and seriousness for natural persons' rights and freedoms, implement appropriate technical and organizational measures to ensure a level of safety appropriate to these risks.

Based on Odense Municipality's answers to the submitted questions, it is the Data Inspectorate's overall assessment that Odense Municipality's general maturity in the area of security is an expression of a level that suits the risks that the organization's processing activities pose to the data subjects' rights and freedoms.

In this connection, the Danish Data Protection Agency's assessment is that Odense Municipality's responses regarding handling of information security policy, handling of security breaches and backup in particular are an indication that the organization has actively addressed any risks to the data subjects, that the organization has established procedures and guidelines for safety and that the organization has otherwise established relevant and appropriate safety measures.

With regard to risk assessments and contingency plans, however, the Danish Data Protection Agency has noted that Odense Municipality has stated that in certain areas only partially implemented planned measures have taken place. Overall, however, the Danish Data Protection Agency finds that Odense Municipality's responses leave an impression that the organization is actively working on this, and on that basis the Authority finds no basis for taking further action on that occasion.

1.2. Especially about documentation

Article 5 (1) of the Data Protection Regulation 2, states that the data controller is responsible for and must be able to demonstrate that the data controller complies with the principles for the processing of personal data mentioned in Article 5, para. 1, including i.a. personal data is processed in a way that ensures adequate security for the personal data in question, in accordance with Article 5 (2). 1, letter f.

For the majority of the questions, Odense Municipality has stated that documentation has been prepared and that this is typically available in 'Structured date-marked form' or 'Unstructured date-marked form'.

However, the Danish Data Protection Agency has noted that Odense Municipality, according to the information, has only to a

varying extent prepared documentation in relation to contingency plans. It is the Authority's immediate assessment that Odense Municipality may, depending on the circumstances, have difficulty - within a reasonable time - demonstrating (documenting) that personal data in relation to the emergency area is processed in a way that ensures sufficient security for the personal data in question, cf. Article 5 (1) of the Data Protection Regulation Article 5 (2) 1, letter f.

In connection with this, the Danish Data Protection Agency must draw attention to the fact that the documentation in question - after the Authority's immediate assessment - must form the basis for the municipality's internal work to maintain an appropriate level of security, including the municipality's compliance with data protection requirements. It may be necessary that the documentation is easily accessible to relevant parts of the organization.

Overall, however, the Danish Data Protection Agency finds that Odense Municipality's responses leave an impression that the municipality is in principle able to provide the necessary documentation within an appropriate period of time. However, it is the Authority's opinion that there are a few factors that indicate that Odense Municipality can continue to maintain its focus on the fact that the prepared documentation is made more accessible to e.g. relevant employees, etc.

On the basis of the information available - and after an overall assessment of the municipality's responses - the Danish Data Protection Agency does not take any further action on that occasion.

The Danish Data Protection Agency considers the case closed and will not take any further action.

The Danish Data Protection Agency's opinion can be brought before the courts, cf. section 63 of the Constitution.

[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).