

Date

2018-10-31

Summary of results from

the review of data protection agents in public

and private sector

Summary of the result

The audit shows that the majority of the audited authorities and

the private actors have notified and appointed a data protection officer in time.

The Data Inspectorate has found deficiencies in about 16 percent of those just over

350 activities included in the review. There is a marginal difference in

compliance with the rules between authorities and private actors.

Of a total of 66 supervisory cases, the Data Inspectorate has decided to grant

reprimand in 57 cases. In two cases, the supervised entities have received an injunction and

seven cases have been closed without action.

Introduction

At the end of May 2018, the Data Inspectorate began an investigation of whether

data protection representatives have been appointed in a number of activities. This is a

compilation of the results of the audit.

According to Article 37 of the Data Protection Regulation<sup>1</sup> (GDPR) is an authority or a

public body obliged to appoint a data protection officer. Also private actors

has such an obligation under the article if the core business involves one

regular, systematic monitoring of individuals on a large scale

or that the core business involves a treatment of the sensitive

personal data or information on crime on a large scale. According to the same

article, there is also an obligation to notify the data protection officer

contact information for the Data Inspectorate.

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on protection of individuals with regard to the processing of personal data and whether the free movement of such information on the repeal of Directive 95/46 / EC (General data protection regulation)

Postal address: Box 8114, 104 20 Stockholm

Website: [www.datainspektionen.se](http://www.datainspektionen.se)

E-mail: [datainspektionen@datainspektionen.se](mailto:datainspektionen@datainspektionen.se)

Phone: 08-657 61 00

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The cases handled within the framework of the supervisory project can be divided into two categories: state administrative authorities and private actors. The private the players represent six industries. These are banks, telecom operators, insurance companies, trade unions, public transport companies and care providers.

A total of 362 businesses were inspected, 66 businesses were inspected more specifically, of which 35 authorities and 31 private actors.<sup>2</sup>

Reporting of the results of the supervision

The compilation of supervisory cases shows that there are four different types of errands. The first category is the items that are done right from the beginning and there appointed and notified data protection representative no later than 25 May 2018. It the second category is objects that have been designated by a data protection officer and / or notified contact information to the Data Inspectorate only after 25 May 2018 but during the review ie. before the inspection made a supervisory decision. The third category are the objects that still at the time of supervisory decisions do not appointed a data protection officer and / or communicated the contact details to

The Data Inspectorate. In addition, there is a fourth category that includes a case where the inspectorate has determined that there is no obligation for the object to appoint a data protection officer.

Supervision cases in categories one and four have been closed without action. They have either done right from the beginning or the Data Inspectorate has found that there is no obligation to appoint a data protection officer for it personal data controller. Seven of the supervisory cases fall into this category.

In addition, all the activities that are included in the data and there

The Data Inspectorate has chosen not to initiate a special supervisory case for this one category. A total of 303 activities out of the 352 included in the data belonging to this category.

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The selection process started with the project team identifying over 400 activities for which the starting point was that there was an obligation to appoint one data protection officer. Of these over 400 operations, the Swedish Data Inspectorate has selected 362 pieces checked against the notifications by data protection officers that the inspection received. The 66 activities that were finally examined in special supervisory matters are those where the report has not been made to the inspectorate at the time of the review initiated. As shown below under the results of the supervision, there are a couple of the supervised entities which, despite the review of the notifications, have shown that they have designated and notified a representative in time.

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Cases in category two have ended with the supervised objects being assigned separately reprimand for the infringement. Not having appointed and announced data protection representatives to the Data Inspectorate may cause an administrative penalty fee.<sup>3</sup> The main reason why the decisions stopped at one

reprimand instead of an administrative penalty fee is the relatively short time

which has expired since May 25, 2018.

In total, there are 57 cases in category two and which are distributed according to

following;

☐

31 authorities

☐

3 banks

☐

4 insurance companies

☐

1 public transport company

☐

4 telecom operators

☐

12 unions

☐

2 private care providers.

Cases in category three, ie. the two objects still at the time of

supervisory decisions have not appointed a data protection officer and / or notified

contact information to the Data Inspectorate, has ended with that

the supervised entities were each assigned an injunction for the infringement.

Conclusions on compliance with the rules

It is interesting to compare how well the authorities and the six different ones

industries follow the requirement to appoint a data protection officer in the light of the soon

over 350 authorities and private actors that the Data Inspectorate has been involved in

the selection process. It gives an indication of both what it looks like in total and how well the authorities as a group and the respective industry follow the requirement to appoint a data protection officer.

Of the objects included in the sample, the Data Inspectorate has found deficiencies in 16.3% (59 of 362) of the just over 350 activities included in the review. Distributed by each category and industry, it looks like this:

3

□

Authorities: Of the 210 authorities that were included in the sample have

The Data Inspectorate found deficiencies in 33 cases. In percent corresponds to the number of cases with deficiencies about 16 percent.

□

Private actors: of the 152 private actors that were included in the sample have

The Data Inspectorate found deficiencies in 26 cases. In percent corresponds to the number of cases with deficiencies just over 17 percent.

Article 83 p. 4 (a) the Data Protection Ordinance and ch. 6 § 2 of the law (2018: 218) on additional provisions to the EU Data Protection Regulation

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The private actors are distributed as follows:

□

Banks: Of the 40 banks that were included in the sample have

The Data Inspectorate found deficiencies in 3 cases.

□

Insurance companies: Of the 42 insurance companies that were included in the sample

The Data Inspectorate has found deficiencies in 4 cases.

□

Public transport: Of the 8 companies in public transport that were included in

In the sample, the Data Inspectorate has found deficiencies in 1 case.

□

Telecom operators: Of the 8 telecom operators that were included in the sample

The Data Inspectorate found deficiencies in 4 cases.

□

Trade unions: Of the 45 that were included in the sample, the Data Inspectorate has found deficiencies in 12 cases.

□

Private care providers: of the 9 private care providers that were included in the sample the Data Inspectorate has found deficiencies in 2 cases.

Of the activities that have been examined specifically in supervisory matters can

The Data Inspectorate states that very many have chosen to comply

requirements during the ongoing review. Only in two cases does it remain shortcomings, which led to injunctions.

It can also be stated that the difference in compliance between rules

authorities and private actors are marginal. Some industries stand out

however, negative<sup>4</sup>. This applies especially to telecom operators where four out of eight companies did not live up to the requirements. Trade unions also stand out negatively in a comparison with the cut.

/ The project group

Appendices:

1. Overview of supervised objects and corrective authority, etc.

4

Given that the number of objects in certain categories is relatively low, there are reason to be cautious in interpreting the percentage distribution.

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Appendix 1

Authority

Blekinge Institute of Technology

The Accounting Board

Swedish student aid

Energy Market Inspectorate

Research Council for Health, Working Life and Welfare

Forum for living history

The Genetic Engineering Board

The Social Insurance Inspectorate

The Inspectorate for Strategic Products

Case number

DI-2018-8743

DI-2018-8745

DI-2018-8746

DI-2018-8747

DI-2018-8749

DI-2018-8750

DI-2018-8751

DI-2018-8752

DI-2018-8753

DI-2018-8754

DI-2018-8755

DI-2018-8756

DI-2018-8757

DI-2018-8759

DI-2018-8760

DI-2018-8761

Measure

Reprimand

No action

No action

Reprimand

Reprimand

Order

Order

Reprimand

Reprimand

DI-2018-8762

DI-2018-8763

Reprimand

Reprimand

The Board against Discrimination

The Patent Ombudsman Board

The Regional Ethics Review Board in Gothenburg

The Regional Ethics Review Board in Linköping

The Regional Ethics Review Board in Stockholm

The Regional Ethics Review Board in Umeå

The Legal Aid Authority

The Sami School Board

State Liability Committee



State Center for Architecture and Design

State Defense History Museums

State Accident Investigation Board

DI-2018-8764

DI-2018-8765

DI-2018-8766

DI-2018-8767

DI-2018-8775

DI-2018-8776

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Statens servicecenter

The Swedish Damages Regulatory Board

DI-2018-8777

DI-2018-8778

Reprimand

Reprimand

State Office

Swedish University of Agricultural Sciences

DI-2018-8779

DI-2018-8780

Reprimand

Reprimand

Örebro University

DI-2018-8781

Reprimand

Art subject

The Royal Library

The Royal Academy of Fine Arts

The Royal Academy of Music in Stockholm

Mid Sweden University

The Authority for Participation

Agency for Family Law and

parental support

The Agency for Cultural Analysis

The Authority for Accessible Media

DI-2018-8769

DI-2018-8770

DI-2018-8771

DI-2018-8772

DI-2018-8773

DI-2018-8774

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

6 (6)

Private actors

Case number

Measure

DI-2018-8783

DI-2018-8785

DI-2018-8786

Reprimand

No action

DARAG Försäkring AB

Solid Försäkringsaktiebolag

DI-2018-8789

DI-2018-8790

DI-2018-8791

DI-2018-8792

DI-2018-8793

Public transport

Norrbottens busstrafik AB

DI-2018-8794

No action

DI-2018-8795

DI-2018-8796

No action

Reprimand

DI-2018-8797

DI-2018-8798

DI-2018-8799

DI-2018-8800

DI-2018-8801

Reprimand

Reprimand

No action

Reprimand

Reprimand

DI-2018-8803

DI-2018-8804

DI-2018-8806

DI-2018-8807

DI-2018-8808

DI-2018-8812

DI-2018-8813

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

DI-2018-8814

DI-2018-8815

DI-2018-8816

DI-2018-8818

Reprimand

Reprimand

Reprimand

No action

DI-2018-8819

DI-2018-8820

Reprimand

Reprimand

Banks

Forex bank limited liability company

Resource bank limited liability company

Tjusbygdens Sparbank bankaktiebolag

Insurance company

Danica Pension Försäkringsaktiebolag

Idun Liv Försäkring AB

Accept Försäkringsaktiebolag

Västtrafik AB

Svealandstrafiken AB

Telecom operators

Tele2

Telia Sonera Sweden

A3 Privat AB

Fello AB

My Beat

Trade union

FTF - the union for insurance and finance

SLFF Swedish train drivers' association

Sweden's university teachers and researchers

Swedish Veterinary Association

SACO - the association for traffic and railways

Sweden's architects

The National Association of Sellers

Swedish Dental Association

The trade union for academics in

societal professions

National Association of Firefighters

The Church's Academic Association

Hotel & restaurant union

Finansförbundet

Private care providers

Barnsjukhuset Martina AB

Barnbördshuset i Stockholm AB

DI-2018-8809

DI-2018-8811

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand

Reprimand