

Supervision of Sparekassen Kronjylland's handling of access requests

Date: 28-07-2022

Decision

Private companies

No criticism

Supervision / self-management case

The right to access

The Danish Data Protection Authority has completed a series of inspections of five selected banks' and savings banks' handling of requests for insight from customers. The audits focused on guidelines and procedures for handling customer requests for insight.

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Summary

The Danish Data Protection Authority has completed supervision of five selected banks' and savings banks' handling of requests for insight from customers. The banks and savings banks were, among other things, selected based on the number of complaints with the Data Protection Authority and consisted of Danske Bank A/S, Sparekassen Sjælland-Fyn A/S, Basisbank A/S, Sparekassen Kronjylland and Ringkjøbing Landbobank Aktieselskab.

Serious criticism of Danske Bank

The Danish Data Protection Authority expressed serious criticism that Danske Bank's procedure for handling requests for insight from customers was not in accordance with the data protection rules. The bank's procedure consisted of a layered approach, where the customer could gain insight into his information in three different ways, and the Danish Data Protection Authority found that this layered approach was not in accordance with the data protection regulation.

You can read the Danish Data Protection Authority's decision in the case of Danske Bank [here](#).

The procedures at four out of five banks supported the right of access

The Data Protection Authority also found that Sparekassen Sjælland-Fyn A/S', Basisbank A/S', Sparekassen Kronjylland and Ringkjøbing Landbobank Aktieselskab's procedures for handling requests for insight from customers supported the right to insight.

From the Data Protection Authority's final statements in the individual inspections, it appears, among other things, following:
that Sparekassen Sjælland-Fyn A/S' procedure for responding to requests for insight from customers consists of creating an insight report supplemented with a manual review of systems and databases that the technical solution does not include.

that Basisbank A/S' has prepared templates to answer requests for insight from customers, and that the bank attaches a copy of the information that the bank processes about the person in question.

that Sparekassen Kronjylland's handling of access requests consists of manually creating an access report and supplementing with other information that may be relevant in the individual case. The Danish Data Protection Authority recommended that Sparekassen Kronjylland consolidate its many workflows for handling access requests in order to support a uniform practice in the organization and to clarify the procedure in the workflow.

that Ringkjøbing Landbobank Aktieselskab forms an insight report when the bank responds to a request for insight, and attaches any additional material that the customer requests at the same time. The Danish Data Protection Authority recommended that Ringkjøbing Landbobank Aktieselskab clarify the process for handling access requests in the bank's workflow.

You can read the Data Protection Authority's final statements in the other inspections here:

Sparekassen Sjælland-Fyn A/S

Basisbank A/S

Ringkjøbing Landbobank Aktieselskab

Decision

The Danish Data Protection Authority hereby returns to the case where the Danish Data Protection Authority decided to supervise Sparekassen Kronjylland's handling of requests for access from data subjects in accordance with Article 15 and Article 12 of the Data Protection Regulation[1].

The Danish Data Protection Authority notes at the outset that the supervision is limited to Sparekassens Kronjylland's handling of requests for insight from customers.

2. Case presentation

By letter of 10 November 2021, the Data Protection Authority has requested Sparekassen Kronjylland for an opinion and a copy of the savings bank's possible procedures, guidelines, templates, etc. for handling access requests. Sparekassen

Kronjylland has confirmed on 26 November 2021 that the savings bank has drawn up procedures for handling requests for insight from data subjects, and sent a copy of these procedures to the Data Protection Authority.

The Danish Data Protection Authority has then on 17 January 2022 inquired about Sparekassen Kronjylland's procedure for creating "insight reports", to which the savings bank replied on 7 February 2022.

2.1. Sparekassen Kronjylland's remarks

Sparekassen Kronjylland has given the Danish Data Protection Authority a detailed account of the savings bank's procedure for creating insight reports.

Sparekassen Kronjylland has stated in this regard that the insight report is prepared manually - and not automatically/mechanically. Sparekassen Kronjylland has further stated that the insight report does not constitute an exhaustive list of what is included in the response to the requester - but is simply to be understood as the information that is typically relevant. The report is supplemented with other information that may be relevant in the individual case.

In addition to the above, Sparekassen has stated the following:

"Sparekassen Kronjylland's procedures and templates aim to ensure that all information is included in the response to the access request. As far as possible, a copy of the information is also sent. However, there may be situations where this is not appropriate, due, among other things, to the nature of the information being processed. In that case, it can be ensured in another way that the requester receives a copy of the information, for example by providing guidance on how the person concerned can access a copy of the information themselves. An example of this could be certain information that customers themselves can access via their online banking, and where it is most appropriate for them to access the information themselves. In this way, it can be ensured that the information is updated at the time when the person concerned gains insight into it."

3. Concluding remarks

3.1.

It follows from Article 15 of the Data Protection Regulation that the data subject has the right to obtain the data controller's confirmation as to whether personal data relating to the person in question is being processed and, if applicable, access to the personal data and a range of supplementary information.

One of the basic purposes of the right of access is that the data subject has the opportunity to check the correctness of the

personal data that the data controller processes – e.g. in order to make use of other rights such as the right to rectification or deletion.

The data subject therefore basically has the right to receive an adequate copy of the information that the data controller processes about the person in question, unless the data subject has limited his request to specific information about the person in question, and/or an exception can be made to the right of access to information, cf. Article 12, Article 15 of the Data Protection Regulation, Section 22 of the Data Protection Act or other legal basis.

The right to access also implies that the registered person must be given access to the content of the information that is processed about the person in question. This means that the data controller can choose to hand over copies of, for example, original documents, case files, etc. to the person concerned, or to copy the information about the registered person into a new document or similar. The most important thing is that the registered person is given an actual copy of the information.

Finally, it follows from the data protection regulation article 12, paragraph 1, that notification in accordance with Article 15, i.a. must be transparent.

A procedure whereby the data subject is only given access to an insight report that does not contain all the information to which the data subject is entitled according to Article 15 of the Data Protection Regulation will, as a clear starting point, not be in accordance with Article 15 and Article 12 of the Regulation.

3.2.

The Danish Data Protection Authority has - on the basis of the material provided and submitted by Sparekassen Kronjylland - noted the following:

that Sparekassen Kronjylland has three different workflows, which concern the savings bank's handling of access requests (appendices 3, 4 and 6), as well as a legal handbook on access rights. (appendix 5)

that Sparekassen Kronjylland has stated that the savings bank's handling of access requests from registered users consists of manually creating an access report, as well as supplementing with other information that may be relevant in the individual case.

that Sparekassen Kronjylland in certain cases guides the registered person on how the person concerned can access certain information himself via e.g. online banking, and

that Sparekassen Kronjylland sends a copy of the supplementary information that follows from the data protection regulation,

article 15, letters a-h.

The Data Protection Authority assumes that Sparekassen Kronjylland, by following the above-mentioned procedure for handling access requests, provides a copy of the information to which the data subject is entitled according to Article 15 of the Data Protection Regulation.

To the extent that the data subject is directed to access certain information themselves in, for example, Netbank, this can be done within the framework of Article 12 and Article 15 of the Data Protection Regulation, provided that it is simple and straightforward for the data subject to find the information himself.

Based on the information in the case, it is the Danish Data Protection Authority's assessment that Sparekassens Kronjylland's procedures for handling requests for access support the data subject's right to access within the framework of Article 12 and Article 15 of the Data Protection Regulation.

The Danish Data Protection Authority must finally recommend that Sparekassen Kronjylland's many workflows for handling access requests be brought together with a view to supporting a uniform practice throughout the organization, and that the procedure for handling access requests, as described to the Data Protection Authority, be clarified in the workflow.

[1] 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 exchange of such data and on the repeal of Directive 95/46/EC (general data protection regulation)