

Decision

Diariennr

2019-12-13

DI-2018-22737

Nusvar AB

Supervision according to the Credit Information Act

(1973: 1173) and the EU Data Protection Ordinance 2016/679 - Nusvar AB

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The Data Inspectorate's decision

The Data Inspectorate states that Nusvar AB (org. No. 556991-1224) under

the period December 2018 - April 8, 2019 has conducted credit information activities and thereby has

1. violated Article 10 of the Data Protection Regulation and the second paragraph of Section 6

the Credit Information Act by processing information on

offenses without the Data Inspectorate's consent,

2. violated Article 5 of the Data Protection Regulation by processing

personal data that is too extensive, inadequate and irrelevant in

relation to the purpose (credit information purpose),

3. acted in violation of section 9 of the Credit Information Act by not

comply with the requirement of legitimate need when credit information has been disclosed

if a natural person who is not a trader, and

4. acted in violation of section 11 of the Credit Information Act by not sending

it requested a credit report copy when a credit report

disclosed about a natural person.

The Data Inspectorate decides on the basis of ch. Section 3 of the Data Protection Act and

Articles 58 (2) and 83 of the Data Protection Ordinance that Nusvar AB shall pay one

administrative penalty fee of EUR 35 000.

Report on the supervisory matter

The Data Inspectorate has drawn attention to complaints from the public

that Nusvar AB (the Company) has disclosed personal data concerning, among other things

financial information about all Sweden's residents who are 16 years and older via

The company's website www.mrkoll.se (the website). The website is covered by

such a certificate of issue as is regulated in ch. Sections 5-7 of the Freedom of Expression Act (1991: 1469).

The Data Inspectorate has initiated supervision of the Company in order to investigate to what extent

The company via the website conducts business that is to be regarded as

credit reporting activities and, if so, the extent to which the Company complied

the prohibition of the Data Protection Ordinance and the Credit Information Act

processing of data on offenses involving crime and

the requirements of the Data Protection Regulation on data minimization and

the Credit Information Act's requirements for legitimate needs and a credit information copy.

The supervisory case began with a supervisory letter on 18 December 2018. Answer

on the supervisory letter was received on 30 December 2018. The Data Inspectorate

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conducted an on-site inspection at the Company on April 9, 2019. Minutes

from the inspection has been drawn up and sent to the Company for comments.

Opinion on minutes received on 5 May 2019. A supplementary letter

from the Company came in on May 29, 2019.

What has emerged in the case

The website is a commercial business that mainly

conducted on the basis of advertising revenue. The purpose of the Website is to

make public information about private individuals of general interest available,

such as, for example, social security number, housing situation, vehicle ownership,

legal information and certain other non-public information,

for example telephone number. The user logs in to the website and can take

part of the published information free of charge.

It has emerged during the investigation that the Company receives additional information

The website from more than a dozen different suppliers, including

The Swedish Companies Registration Office and the credit information company Yellow-Belly Decision Systems

AB (Yellow-Belly). The business started by the Company receiving one

called the basic lift regarding basic data from the credit information company YellowBelly in November 2018. Yellow-Belly then

lifted a

population register database, which included social security numbers and addresses.

The company has since collected updated information from Yellow-Belly var

14th day regarding social security numbers, addresses, company information and

cluster information, such as aggregated area information and aggregated

financial information. The economic information that is aggregated remains

of income information and payment remarks.

All information is compiled by the Company. Some information is

cluster information, which refers to information about about 22 to 2,000 people

which are lumped together. The cluster compilations are based on where it is from

the user wanted person lives. The economic cluster information

consists of around 22-28 people. Thereafter, the Company interprets the information and

creates comprehensible texts based on this data that is available on the website. The information is presented on the website in various "blocks".

Especially about the block Summary

In the block "summary", certain information is compiled from the others blocks. The economic cluster information shows, for example information on payment remarks. If there are more within the cluster payment remarks than zero, it appears that there are

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payment remarks in the area in question. No one is left then individual information about the wanted person. If there are none payment remarks within the cluster, ie. about none of the 22-28 people which is part of the cluster of the wanted person has someone payment remark, it is explicitly stated that the wanted person has no payment remarks, "X has no payment remarks".

Furthermore, the block "Summary" shows how often the person in question is searched on the Website. This is information that the Company itself produces based on how many times the person has been searched for and viewed on the Website during the month. Information about the number of searches on the Website does not mean that anyone has paid to receive information about the person in question. The information about the number of searches is reset at each turn of the month.

Especially about the block Prosecution, judgments and lawsuits

The company compiles the information, which comes from the courts the district courts, the courts of appeal, the Supreme Court and the administrative courts in

depending on the nature of the case). For the case

a wanted person has been prosecuted for one or more crimes, this emerges

on the Website in the current block by that about the wanted

the person states, for example, "X has been prosecuted in a court of law in a case that

intended criminal case "(this information is also presented in the block

"Summary").

Users of the Website can view the judgment itself directly on

The website by paying SEK 99 to the Company. When the payment

completed, a summary of the current judgments is displayed, including

the decision directly on the Website in the relevant block. The company does not

own summaries of the judgments, but these are provided by the courts.

Users who have paid to see the judgments have access to these

for 24 hours on the Website.

Especially about the Economy block

The company compiles the financial information. This is based on

cluster information provided by Yellow-Belly and the aggregations provided

Yellow-Belly has done and so is the information under the headings "They

most earn ", "A neighbor (or the person himself) earns "and "Salary indicator "

be developed.

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The cluster information consists of around 22-28 people who are selected based on it

searched for the person's address which is then lumped together. The information in

The wage indicator is based on a comparison of the entire country's median wage with

the median salary in the current cluster.

Under the heading "Income current year" are the six lines "Number payment remarks ", " Income from employment ", " Taxable income ", "Income from capital", "Active business activities" and "Passive business activities '. These lines are, with one exception, not filled in that long the individual user does not buy a credit report for SEK 49.

The exception is the line "Number of payment remarks" in the case where none person in the wanted person's cluster has a payment remark, i.e. in the same situation as it says "X has no payment remarks" in the "Summary" block. In these cases, it comes in the line for "Number payment remarks "state that the wanted person has" 0 ". If anyone in the cluster has a payment remark left the field blank. These six lines covered by the Company's certificate of issue. The Company is thus responsible for these six lines. The content of, and responsibility for, the information in the six lines changes, however, if the user chooses to purchase a credit report for 49 crowns of Yellow-Belly, see below.

Especially about the block Housing and neighbors

The company compiles information about residents and neighbors, which comes from Lantmäteriet. Information about the estimated value of any condominium or property is based on an algorithm that the Company has developed that is based on broker statistics.

Especially about the Block Popularity

The company compiles the information. This is the same information that has developed under the block "Summary" above. In this block it appears also how sought after the person is under the heading "Top ranking" and which other persons who have also been searched for on the Website under the heading "Also visited". The information in this block is reset at the end of each month.

Especially about the block About the neighborhood

The company compiles the information, which is primarily a repetition of other information on the Website and is based primarily on aggregated information. This block also shows the average age of the neighbors the wanted person and the average income in the neighborhood.

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Other blocks that appear on the website:

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Phone number

Population registration

Corporate involvement

Vehicle ownership

Personal connections

Birthday

Zodiac sign

Marriage

The household

The company's information regarding the requirement of legitimate need and credit report copy

The Company does not consider that the Company conducts credit information activities through to provide the Website. The company therefore does not need to take into account the provisions on legitimate needs and credit information copy.

Credit reporting activities are conducted only when the user via the site buys a complete credit report on the wanted for 49 kronor. This credit reporting business is operated by Yellow-Belly. The company is only Yellow-Belly's dealer.

The company's information about the business as a reseller of YellowBelly's credit information

The Company states that the Company is a reseller of Yellow-Bellys credit information product on the website. A credit report costs 49 kronor. The purchased credit information is displayed directly on MrKolls website in the block "Finance" by filling in the information below the headings "Income in the current year" and the new headings "Liabilities and payment remarks" and "Bankruptcy". Under the title "Income in current year" is in this mode the line "Number of payment remarks" not included.

Under the heading "Debts and payment remarks" there are eight lines regarding traditional credit information. Under the title

"Bankruptcy" is a line that indicates whether the requested person is in personal bankruptcy or not.

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The information that is published when the user buys a credit report for SEK 49 is not in the Company's database for the Website. It's Yellow-Belly which fills in the fields on the Website when the user orders a credit report for SEK 49. For users who are on the site without having

ordered any credit report from Yellow-Belly, these fields are masked.

Yellow-Belly sends a credit report copy to the wanted and is responsible for ensuring that the user has a legitimate need.

The company's view on the definition of credit reporting activities and the scope of the certificate of issue

The company considers that the information that the wanted person person does not have some payment remarks, (X has no payment remarks), i the "Summary" block does not constitute credit information because it is cluster-based information based on not having any person in it wanted cluster has no payment remark.

The company considers that the information in the block "Finance", that it sought the person has "Number of payment remarks 0 pcs", does not constitute credit information because it is cluster-based information which is based on the fact that no person in the wanted person's cluster has anyone payment remark.

The company considers that the information on the estimated value of any property in the block "Residents and neighbors", does not constitute credit information then it is based on broker statistics.

The company considers that the information under the heading "Salary indicator" does not constitute credit information. This information does not say anything about it search for the person themselves as there is no information at the individual level.

The website is covered in its entirety by the publication certificate. It's only

The company that can change the content of the Website.

As for the block "Finance", however, the situation is special. The block

"Finance" is covered in its entirety by the publication certificate as long as the lines below

the headings "Income in the current year", "Liabilities and payment remarks" and

"Bankruptcy" are not filled out. These lines are, with one exception, masked as such

as long as the individual user does not buy a credit report for SEK 49.

The exception is the information filled in by the Company itself "Number

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payment remarks 0 pcs "under the heading" Income current year ". This

information is thus part of the Website and is covered by the publication certificate.

If a user buys a credit report for SEK 49 changes

the situation. The purchased credit information is then filled in by Yellow–

Belly and is displayed directly in the block "Finance" under the headings "Income

current year ", " Liabilities and payment remarks "and" Bankruptcy ". Raden

"Number of payment remarks 0 pcs" is not included in this mode. The company

considers, therefore, that the information under the headings "Income in the current year",

"Liabilities and payment remarks" and "Bankruptcy" in the block "Finance" in

this position should be considered as an elevated and thus separate part of

The website. This raised portion is not covered by the Company's certificate of issue

but then forms an unmodified part of the Website for which Yellow-Belly is responsible

for.

As for the block "Prosecution, judgments and legal proceedings", this is part of

the website covered by the Company's certificate of issue regardless of whether

the user obtains a judgment for 99 kronor or not. The company believes that

is the difference between the block relating to "Prosecution, judgments and legal proceedings" and the block "Finance" because the information that appears in the block "Prosecutions, convictions and litigation" is not disguised, but instead incomplete until a user of the Website pays SEK 99 to take part in it.

The company ended its collaboration with Yellow-Belly, on April 8, 2019 then the contractual relationship was terminated with immediate effect. The resale of credit information thus ceased immediately. The company sold as a property of Yellow-Belly's resellers about 700 credit reports in March month. At the end of May, the Company released a new version of the website.

In the new edition, the information on payment remarks has been excluded.

Instead, only very rough information is provided that describes it economic situation of the area as a whole (extent in the form of postcodes outside the cities, and the district area in the cities).

Justification of the decision

The Data Inspectorate's position in this decision refers to Nusvar's operations on the MrKoll website during the period from December 2018 to and with April 8, 2019. The company raised during the period financially information from Yellow-Belly and published data on that individual people do not have payment remarks. The site has below this

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time period on several occasions changed in layout. However, the processing of personal data has been the same in relevant parts.

Nusvar's activities on the Mrkoll website are covered by a so-called voluntarily certificate of issue according to ch. Section 5 of the Freedom of Expression Act. This means that

the provisions of the Freedom of Expression Act on broadcasts of programs are applied when information is provided to the public via Mrkoll.

Of the delegation provision in ch. Section 18 of the Freedom of Expression Act follows that what is stated in the delegation provision in ch. 12 § 5 the Freedom of the Press Ordinance (1949: 105) that regulations may be issued by law if professional credit reporting activities also apply in the case of program.

It follows that it is possible to issue regulations in law on credit reporting activities conducted through websites covered by certificate of release. Such legislation has been implemented through the Credit Information Act (1973: 1173).

Credit reporting activities

The Data Inspectorate is the supervisory authority according to the Credit Information Act (1973: 1173) and Regulation (EU) 2016/679 of the European Parliament and of the Council of on April 27, 2016 on the protection of natural persons with respect to treatment of personal data and on the free flow of such data and on repeal of Directive 95/46 / EC (Data Protection Regulation), GDPR.

According to Section 1 of the Credit Information Act, the Credit Information Activities Act applies which means that someone, except in isolated cases, provides credit information to compensation or as part of a business activity. The law also applies to other credit reporting activities, if they are of a larger scale.

Section 2, first paragraph, first sentence of the Credit Information Act states that credit information refers to information, assessments or advice provided guidance for assessing someone else's creditworthiness or credibility otherwise financially.

In the preparatory work for the Credit Information Act (Bill 1973: 155 p. 139), the issue is addressed

when certain information is to be considered as credit information:

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"It is also characteristic of credit information that the information is provided for certain purpose. It must be information that is intended to serve guidance for assessing someone's creditworthiness or other credibility in financially. Information that typically has a completely different purposes are not covered by the concept of credit information, even if information by economic nature is included in the information. This includes e.g. data in personnel tests performed to test a person's suitability for a particular employment.

The information in a credit report is of course primarily focused on economic conditions. Often, however, information about more personal is included circumstances. Some sharp boundary between the two types of information can not drawn and is also not required. The nature of the information is lacking in itself significance for the definition of the concept of credit information. The crucial thing is if it is suitable to serve as a guide in the assessment of creditworthiness, etc. "

The assessment of whether the Company's dissemination of information constitutes credit information activities

The investigation shows that the stated purpose of the website is to make public information about private individuals of general interest available.

The information provided free of charge on the website has not been disclosed credit reporting purposes. However, the information is disclosed immediately connection to a pure credit information service operated by YellowBelly. Many users of the website can therefore be assumed to visit the website for the purpose of obtaining information to management for the assessment of the creditworthiness or other credibility of the wanted person financially

respect. In that case, the information provided by the Company on its own personal data liability publish on the website is sufficient to exist basis for a credit assessment of the wanted person, without the user need to order a credit report from Yellow-Belly for SEK 49, conducts The company's credit information activities within the meaning of the Credit Information Act. Information on the extent to which an individual has a payment remark or is not an example of a task that can typically be used to do a credit assessment of the wanted person. An indication that it was looking for lack of payment remarks may, for example, be sufficient information about the individual's finances in order for him or her to be allowed to order a product against invoice in an online store or approved as a member of a tenant-owner association. A user who visits the website for the purpose of making a credit assessment of the wanted person and who does not need more information about the wanted person finances than that may refrain from ordering a complete credit report from Yellow-Belly.

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The company publishes information that the wanted person has no payment remarks by stating in the block "Summary" that "X has no payment remarks "and in the block" Finance "enter" Number of payment remarks 0 pcs ". The fact that this information can not be provided about all individuals people who do not have payment remarks - but only about individuals people who do not have payment remarks, which is part of a cluster of 2228 people who also do not have payment remarks - missing in this case significance. Anyone who takes part in the information on the website receives one

unequivocal finding that there are no payment remarks for the person who is sought in cases where such information exists. It thus constitutes a statement relating to the individual's financial circumstances, suitable to serve as a guide for the assessment of his creditworthiness. The Data Inspectorate finds that The company thereby during the period December 2018 - April 2019 has conducted credit information activities through the publication The company itself is responsible for for on the website.

The Data Inspectorate states that the disclosure of credit information has not taken place in individual cases, but takes place as part of business activities.

and is of greater scope. Such activities are covered by the regulations of the Credit Information Act.

Section 4, first paragraph, of the Credit Information Act states that credit information activities may only be conducted with the permission of the Swedish Data Inspectorate. According to § 4 fourth paragraph of that law, however, a permit for credit information activities is not required, insofar as it is conducted through the publication of credit information

in a manner referred to in the Freedom of the Press Ordinance or the Freedom of Expression Act. The website is covered by such a publishing certificate as

regulated in ch. Sections 5-7 of the Freedom of Expression Act. The Data Inspectorate states that the Company thus has the right to conduct credit reporting activities without a permit. The Data Inspectorate states at the same time that the Company has to comply with other applicable provisions in the Credit Information Act and applicable provisions in the Data Protection Regulation.

If the wanted person is part of a cluster where one or more of the other individuals the persons have a payment remark, the user may proceed through to order a credit report from Yellow-Belly for SEK 49.

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The Data Inspectorate finds no reason to question the Company's claim that

The company is only a reseller of Yellow-Belly's credit information when one

users purchase a complete credit report through the 49 website

kronor.

Without taking a position on the substance of the matter in question, because the question

is irrelevant to the question of whether the Company conducts

credit information activities or not, the Data Inspectorate does not find either

reason to question the Company's assertion that the information below

the headings "Income in the current year", "Liabilities and payment remarks" and

"Bankruptcy" in the block "Finance" should be considered a lift and thus

separate part of the Website that is not covered by the Company's publication certificate, i

the situation when the user pays SEK 49 and takes part in such a full

credit information for which Yellow-Belly is responsible.

Information about violations of the law

Article 10 of the Data Protection Regulation contains restrictions on processing

of information on violations of the law. Such data may only be processed by

authorities or if the processing is permitted under Union law or

national law. The Credit Information Act contains, in so far as it relates

processing of personal data, provisions that supplement

the Data Protection Regulation. The second paragraph of section 6 of the Credit Information Act follows

that information on offenses involving crime, convictions in criminal cases,

criminal coercive measures or administrative detentions do not

may be processed in credit information activities without the consent of

The Data Inspectorate.

The blocks "Summary" and "Prosecution, judgments and legal proceedings" state whether the wanted person has been prosecuted in court in one or more cases pertaining to criminal case. If the user wants to take part in the judgments from the cases where it wanted has been prosecuted, the user can proceed by paying SEK 99.

The verdict and a summary of the current verdicts are then displayed directly on

The website in the block "Prosecution, judgments and legal proceedings".

The Data Inspectorate considers that the information "X has already been prosecuted in one court in a criminal case "is an indication of

violation of the law in section 6, second paragraph, of the Credit Information Act. To

this will allow the user to choose to collect and partake of themselves

the decision directly on the Website in the relevant block.

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The Data Inspectorate finds that the Company is in breach of Article 10 of the the Data Protection Ordinance and section 6, second paragraph, of the Credit Information Act processes information on offenses for credit information purposes without

The Data Inspectorate's consent.

The requirement for data minimization

Section 5, first paragraph, of the Credit Information Act states that credit information activities shall be conducted so that they do not lead to undue intrusion into personal

integrity through the content of the information provided or otherwise

incorrect or misleading information is stored or disclosed.

For the processing of personal data covered by the Data Protection Regulation, Article 5 of that Regulation shall apply instead.

According to Article 5 (1) (c) of the Data Protection Regulation, personal data which:

be treated as adequate, relevant and not too extensive in relation to

the purposes for which they are processed (data minimization).

It follows from these rules that in credit information activities it should not

data other than those which are adequate and relevant for

the assessment of someone's creditworthiness. It should also not be treated more

information than is necessary to assess the creditworthiness of the requested person. At

the assessment of which data may be processed is the starting point for sowing

get as much data as possible to be processed. In the selection, such priorities shall be given

tasks that alone or together with a few other tasks can

provide the necessary knowledge needed to assess the wanted person

creditworthiness.

As the website includes credit reporting activities, they should provide information

which are published on the website are assessed in terms of adequacy,

relevance and scope based on a credit reporting purpose.

Several of the categories of information published on the website are adequate

and relevant for credit information purposes, such as address details and

marital status.

However, the Data Inspectorate considers that personal data on vehicle holdings,

estimated value of a condominium or property, telephone number, zodiac sign,

popularity or neighbors' names and ages are not necessary, adequate and

relevant for assessing someone's creditworthiness.

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With regard to information on vehicle ownership, such information does not exist in practice

considered to mean such an improvement in the quality of credit reporting activities

that they should be allowed (Länsrättens i Stockholms län judgment 15 June 2001, Case no Ö 4128-99). As for the estimated value of condominium or property so these data lack adequacy and relevance for credit reporting purposes since the information only refers to the Company's own estimates of value as in addition, not combined with ownership information and underlying collateral. Information on telephone numbers, zodiac signs and popularity are irrelevant for a credit reporting purpose.

The Data Inspectorate therefore finds that the Company has violated Article 5 (1) (c) the Data Protection Regulation by processing non-personal data adequate, relevant and too extensive in relation to one credit reporting purposes.

Requirements for legitimate needs and credit information copy

Anyone requesting personal information, i.e. a credit report of a private person, according to section 9, first paragraph of the Credit Information Act, must have a so-called legitimate need for it. This means that he must have entered into a credit agreement or be about to enter into a credit agreement with the respondent or that he in otherwise has reason to make a financial risk assessment regarding it asked.

Each time a credit reporting company discloses a credit report about a natural person must, in accordance with section 11 of the Credit Information Act, simultaneously and receive a free written notice of the information, reviews and advice which the information contains, a so-called credit report copy.

The Data Inspectorate states that the Company has not fulfilled its obligations in accordance with the provisions of sections 9 and 11 of the Credit Information Act in credit reporting activities.

Choice of corrective action

The Swedish Data Inspectorate has established that the Company has conducted credit information operations via the website MrKoll by processing information on payment remarks and thereby,

□

in the credit information business processed personal data about violations of the law in violation of Article 10 of the Data Protection Regulation and Section 6 1 4 (19)

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the second paragraph of the Credit Information Act by stating, without the consent of the Data Inspectorate, that the wanted person has been prosecuted in criminal cases, and publish judgments against payment,

□

processed personal data in breach of the principle of data minimization in Article 5 (1) (c) of the Data Protection Regulation by processing

several categories of information that are not adequate and relevant and too extensive for credit reporting purposes and

□

acted in violation of the provisions of Sections 9 and 11 of the Credit Information Act by failing to take into account the requirements of legitimate need and credit report copy.

Possible intervention measures

If the person who has the right to conduct credit information activities violates one provision in the Credit Information Act, the Data Inspectorate may, in accordance with section 17 the Credit Information Act order him to make a correction or notify one new condition. If the person conducting credit information activities does not fulfill

what is incumbent on him in accordance with section 11, the Data Inspectorate may, in accordance with section 22 penalty.

Section 15 of the Credit Information Act states that when supervising such processing of personal data covered by the Data Protection Ordinance applies to the Data Inspectorate's powers under section 17 of the Credit Information Act in addition to the powers of the Data Inspectorate under Article 58 (1) to (3). the Data Protection Regulation.

Article 58 of the Data Protection Regulation lists all the powers that:

The Data Inspectorate has according to the Data Protection Ordinance. Pursuant to Article 58 (2) (a)

h, j) the Data Inspectorate has a number of corrective powers available, e.g.

a. warnings, reprimands or restrictions on treatment.

Pursuant to Article 58 (2) (i) of the Data Protection Regulation, the supervisory authority shall impose administrative penalty charges in accordance with Article 83.

Pursuant to Article 83 (2), administrative penalty fees, depending on:

the circumstances of the individual case, are imposed in addition to or instead of those measures referred to in Article 58 (2) (a) to (h) and (j)

the factors to be taken into account when deciding on administrative penalty fees

shall be applied and in determining the amount of the fee.

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Instead of penalty fees, in certain cases, in accordance with recital 148 of the Data Protection Regulation, a reprimand may be issued instead of penalty fees if it is

the issue of a minor infringement. Circumstances such as

the nature, severity and duration of the infringement.

Penalty fees must be imposed

The Data Inspectorate has stated above that Nusvar conducts credit information activities and has assessed that the Company in the current processing of personal data has violated Article 5 and Article 10 the Data Protection Regulation. These articles are covered by Article 83 (5), which means that a higher sanction amount should be imposed.

The personal data processing that this supervision covers has entailed processing of personal data about persons registered in Sweden who are 16 years or older, just over eight million. Information about payment remark appears in all cases where individuals based on cluster information about 22–28 nearby residents was found not to have a payment remark. Information about a violation of the law has been processed in cases where the data subject has been the subject of prosecution in criminal case. It is thus not a question of a minor infringement. There is thus no reason to replace the penalty fee with a reprimand.

No other corrective action is relevant for that treatment either as happened. The company must therefore be subject to administrative penalty fees.

Circumstances relevant to determining the penalty fee size

General provisions

According to Article 83 (1) of the Data Protection Regulation, each supervisory authority shall: ensure that the imposition of administrative penalty fees in each individual cases are effective, proportionate and dissuasive.

According to Article 83 (3), the administrative penalty fee may not exceed the amount of the most serious infringement in the case of one or the same data processing or interconnected data processing.

Infringements of Articles 5 and 10 are covered by Article 83 (5). The amount of the penalty may therefore not exceed EUR 20 million or 4% of the total global

annual turnover during the previous financial year, depending on the value

is highest.

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The company started operations in 2018 and only had one reported

turnover for the last month of the year. The company's sales in 2018 amounted to

The company's annual report to SEK 399,092.

Article 83. 2 of the Data Protection Regulation sets out all the factors that must

taken into account when determining the size of the penalty fee. In the assessment

of the size of the penalty fee shall, among other things. a. account is taken of a) the infringement

character, severity and duration, b) intent or negligence, g)

categories of personal data, h) how the breach came about

The Data Inspectorate's knowledge and k) other aggravating or mitigating

factor, such as direct or indirect financial gain.

The circumstances of the present case

The Data Inspectorate's assessment of the penalty fee has been taken into account

that information has been collected about all Swedish citizens over the age of 16,

more than eight million citizens, who have been open online freely

available to the public and stakeholders. Publication of information on

the website constitutes the Company's core business and the treatments have taken place in

profit motive. These circumstances are aggravating.

In addition, the fact that information on payment remarks is taken into account

may be provided in credit reporting activities, but not information on

violations of the law. The fact that this information is provided

jointly risks leading to negative effects and to an extensive infringement

in the personal integrity of individuals.

Account has also been taken of the fact that the treatment has taken place

The Data Inspectorate's knowledge through a number of complaints from the public.

At the same time, the Data Inspectorate states that credit information has

published for about five months, and has since ceased.

During the period of time the data has been published, it has the potential

the dispersal effect has been extensive. The website comes high, for example

up among the search results on other major search engines and the spread, as well

the opportunity to access the data has thus been great.

With regard to the question of whether the infringements have taken place with intent or through

negligence, there is nothing in the investigation that shows otherwise is that

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processing, which among other things consisted of open publication of the information about

payment remark and information about violations of the law, made intentionally.

Determination of the amount of the sanction

As already stated, the amount of the sanction can be set at a maximum of 20 million

EUR. The amount of the sanction must be effective, proportionate and dissuasive.

The Data Inspectorate states that the Company is newly started and that the Company's

latest annual report only covers one (December 2018) of the five months

as the credit information service at www.mrkoll.se has been available. It is

therefore not possible to use this as a basis for determining

the size of the penalty fee.

The company has not specified its sales for 2019. One

The starting point is therefore that the company's monthly turnover in any case

corresponds to that for December 2018 recalculated for the full year 2018, SEK 4.8 million.

The Data Inspectorate decides on the basis of an overall assessment that the company should pay an administrative penalty of EUR 35 000.

The Data Inspectorate does not consider that there is reason to take anyone further action due to the Company not complying

the provisions of section 5, first paragraph, first sentence and sections 9 and 11;

the Credit Information Act on legitimate needs and a credit information copy

as the Company's credit information operations have now ceased.

This decision was made by the Director General Lena Lindgren Schelin after

presentation by the department director Hans Kärnlöf. At the final

The case is handled by Hans-Olof Lindblom, General Counsel, and the Head of Unit

Catharina Fernquist participated.

Lena Lindgren Schelin, 2019-12-13 (This is an electronic signature)

Appendices

Appendix 1 - How to pay a penalty fee

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How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter i

the letter which decision you are appealing and the change you are requesting.

The appeal must have been received by the Data Inspectorate no later than three weeks from

on the day the decision was announced. If the appeal has been received in due time

the Data Inspectorate forwards it to the Administrative Court in Stockholm

examination. The Chancellor of Justice may also, as far as the application of

the Credit Information Act, appeal the decision to safeguard the public

interests. However, the time for appeal to the Chancellor of Justice is counted from it

day the decision was announced.

You can e-mail the appeal to the Data Inspectorate if it does not contain

any privacy-sensitive personal data or data that may be covered by

secrecy. The authority's contact information can be found on the first page of the decision.

Copy to: Chancellor of Justice

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