

## Supervision of Sparekassen Sjælland-Fyn A/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:

Basisbank A/S

Sparekassen Kronjylland

Ringkjøbing Landbobank Aktieselskab

## 1. Decision

The Danish Data Protection Authority hereby returns to the case where the Danish Data Protection Authority decided to supervise Sparekassen Sjælland-Fyn A/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 Sjælland-Fyn A/S' handling of requests for insight from customers.

## 2. Case presentation

By letter of 10 November 2021, the Danish Data Protection Authority has requested Sparekassen Sjælland-Fyn A/S for an opinion and a copy of the savings bank's possible procedures, guidelines, templates, etc. for handling requests for insight that

Sparekassen Sjælland-Fyn A/S has made on 1 December 2021.

Subsequently, on 17 January 2022, the Danish Data Protection Authority inquired about Sparekassen Sjælland-Fyn A/S' procedure for creating "insight reports", to which the savings bank responded on 4 February 2022.

## 2.1. Sparekassen Sjælland-Fyn A/S' comments

Sparekassen Sjælland-Fyn A/S has stated that the savings bank's technical solution, which enables the automatic generation of insight reports, does not have access to all of the savings bank's systems and databases, which is why the report does not include all the information that the savings bank processes about the registered person, cf. article 15 of the data protection regulation. Sparekassen Sjælland-Fyn A/S therefore supplements the insight reports with a manual review of the savings bank's systems and databases that the technical solution does not cover.

Sparekassen Sjælland-Fyn A/S has also stated that the savings bank cannot guarantee that feedback to the registered has been error-free in all cases, as the savings bank, out of four processed insight requests in 2021, answered two using automatically generated insight reports and two using reports supplemented by a manual review of systems and databases. Finally, Sparekassen Sjælland-Fyn A/S has stated that the savings bank - i.a. on the basis of the Danish Data Protection Authority's supplementary inquiry of 17 January 2022 - has chosen to specify the operational process for handling access requests, so that individual steps in the process appear more clearly from the relevant workflow. Sparekassen Sjælland-Fyn A/S has sent a copy of the savings bank's updated workflow to the Data Protection Authority.

## 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 Sjælland-Fyn A/S - noted the following:

that Sparekassen Sjælland-Fyn A/S' procedure for responding to insight requests consists of creating an insight report supplemented by a manual review of systems and databases, which the technical solution does not include.

that Sparekassen Sjælland-Fyn A/S has updated its workflow for handling requests for insight from registered users, so that it now appears that the savings bank – in addition to creating an insight report – obtains any additional information for the report that cannot be retrieved by the technical solution and

that Sparekassen Sjælland-Fyn A/S' sends a copy of the supplementary information that follows from the data protection regulation, article 15, subsection 1, letters a-h.

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

[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

