

Decision

Diariennr

2020-01-31

DI-2019-298

Yellow-Belly Decision Systems AB

Surbrunnsgatan 32

113 48 Stockholm

Supervision according to the Credit Information Act

(1973: 1173) - Yellow-Belly Decision Systems

AB

The Data Inspectorate's decision

The Data Inspectorate revokes on the basis of section 17 of the Credit Information Act

(1973: 1173) Yellow-Belly Decision Systems AB's (org. No. 556912-4885)

to conduct credit reporting activities.

Report on the supervisory matter

The Data Inspectorate noticed in December 2018 that the company Nusvar

AB (Nusvar) launched the website www.Mrkoll.se (Mrkoll). On the website

information was published on all persons registered in Sweden.

The Mrkoll website is covered by such a publishing certificate as regulated in 1

Cape. Section 5 of the Freedom of Expression Act. A constitutionally protected website

are not normally covered by the provisions of the Data Protection Regulation

(GDPR). The Data Inspectorate noted, however, that it concerns some of the

registered there was information i.a. that "x has no payment remarks".

Against this background, the Data Inspectorate judged that Mrkoll can be adopted

covered by the provisions of the Credit Information Act. The Data Inspectorate

initiated against this background supervision under the Credit Information Act against

Nusvar den 18 december 2018, DI-2018-22737. It emerged in connection thus that much of the information that Nusvar published on Mrkoll had been obtained from Yellow-Belly Decision Systems AB (the company). The company has not applied for the Data Inspectorate's consent to transfer or provide its credit information register to Nusvar. The Data Inspectorate began due to this, supervision of the company on January 9, 2019.

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The Data Inspectorate has obtained an opinion from the company. The Data Inspectorate has also carried out an inspection at the company. The company has in the opinion and in in connection with the inspection stated the following, among other things.

The company is part of the Nodeus Group AB group. The company is personal data controller for his own credit information database. The company has no other registers.

At the end of 2018, the company carried out a basic lift of basic data from its database to Nusvar's database. Thereafter, the company has provided Nusvar deliveries on any changes (incremental delivery) of basic data (name, address, type of dwelling and, where applicable, company) every 14 days in Sweden population over 18 years. That information is used to create the search service Mrkoll. That delivery also includes aggregated information on income and payment remarks. The financial information is aggregated in

cluster of at least 30 people. Financial information and information about

payment remarks are thus not disclosed at the individual level.

Aggregations are pre-prepared or pre-prepared. When the company made the clusters

the company generates a file as an excel list and Nusvar imports it into its own

database. The company does not know how Nusvar reads information that Nusvar collects

from the company's server. The company has not received an indication that Nusvar has anything

problems retrieving the data. It does not happen in real time. File transfer

between the company and Nusvar is encrypted.

According to the specification, the company discloses the following information to Nusvar;

Personal data:

For example, information on social security number, population registration date, name,

population registration address, social security number for spouse, spouse registered partner.

Household data:

For example, information on different address types such as a single-family address,

multi-family address about a tenant-owner association or other, members of the household

contains a list of ID numbers.

Board involvement:

For example, information on social security number of the board member and function

in the board.

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Company name:

For example, information on social security number of board member, postcode,

post office, turnover, company status today.

Aggregations area:

Is a table produced by the company that contains social security numbers and which area to which the person belongs.

Area data:

Based on the company's developed clusters and contains aggregations of data,

i.a. financial data including the presence of payment remarks, for

an area. The clusters consist of e.g. maximum income, average income,

minimum income, median income for residents in the area.

Clusters refer to mathematical statistics based on postal code and street code,

combined to ensure that the content of the cluster is large enough

with spreading dimensions.

The company does not consider that the company has transferred or leased its

credit information register to Nusvar. The company only delivers

cluster information and address information to Nusvar. The company believes that

the company does not transfer credit information but de facto creates another

register, which is sent to Nusvar. These are thus different registers.

The company has therefore not applied for any consent in accordance with section 13, first paragraph

the Credit Information Act.

In supervisory case DI-2018-22737, Nusvar has provided information that confirms

what the company has stated about the parties' business relationship. The cooperation agreement between

the company and Nusvar were terminated on April 8, 2019 with immediate effect.

Reason for the decision

Applicable regulations

Section 13, first paragraph, of the Credit Information Act states that registers such as

used in credit information activities may be transferred or leased to another

only with the consent of the Data Inspectorate.

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Section 17 of the Credit Information Act states that in that case the person who has a permit conducting credit reporting activities violates a provision of the Credit Information Act, the Data Inspectorate may order him to take correction or issue a condition. If no correction can be made on anything otherwise the Data Inspectorate may revoke the permit. The same applies, if the conditions for the permit in general no longer exist.

According to section 19, first paragraph 2 of the Credit Information Act, anyone who intentionally can or by negligence violates § 13 first paragraph is sentenced to a fine or imprisonment for a maximum of one year. Section 20 states that a credit information register can be declared forfeited if the register has been transferred or leased in violation of section 13 first paragraph.

The Data Inspectorate's assessment

The Data Inspectorate states that the company through the basic lifting of basic data from its credit information register to Nusvar's database has transferred its credit information register to Nusvar. The company has since leased its credit information register to Nusvar through deliveries of updates and information every 14 days from November 2018 to April 2019.

A certain part of the disclosure has been intended for information in clustered form.

The Data Inspectorate considers that this is irrelevant with regard to the issue of whether the company's credit information register has been provided or not. All information on natural and legal persons as a credit reporting company treated for credit information purposes are covered by the provisions of section 13 of the Credit Information Act, regardless of how the information is organized. It is not possible to circumvent the provisions of section 13 by temporarily separating certain

credit information from a credit record and place

the information in a separate register which is then called something other than

"Credit information register". The current information is retrieved from

the credit information register even if the company processes the information in accordance with

Nusvar's wishes before it is forwarded to Nusvar. It is thus moving

not about two different registers.

The company has by transferring and lending its credit information register to

Nusvar without first obtaining the Data Inspectorate's consent acted in

in violation of section 13, first paragraph, of the Credit Information Act. The plot is that

considered serious because the Data Inspectorate would probably have refused

an application for consent if one had been made.

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The Data Inspectorate has on previous occasions refused

credit reporting companies' request for consent to transfer or sublease

credit information registers for companies that provide

credit information on websites only with the support of

certificate of release. A company whose activities are covered by constitutional protection

does not need the Data Inspectorate's permission to conduct

credit reporting activities. This circumstance means that

The Data Inspectorate cannot assess whether the company's operations can be assumed to be

conducted in an expert and judicious manner. The Data Inspectorate is missing

in addition, the opportunity to decide on conditions in accordance with the Credit Information Act for

such companies. The Data Inspectorate's refusal decision has been established by a judgment in

Court of Appeal in Stockholm, Case no. 8023-08.

Revocation of permit

The company has acted in violation of section 13, first paragraph, of the Credit Information Act by transferring and lending its credit information register to Nusvar without the consent of the Data Inspectorate. The Data Inspectorate considers it to be one material negligence which is irreversible and which can not be remedied by an injunction to make a correction or by imposing a new condition announced. The Data Inspectorate therefore finds reason to revoke the permit.

How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter in the letter which decision is being appealed and the change you are requesting.

The appeal must have been received by the Data Inspectorate no later than three weeks from the day you received the decision. The Data Inspectorate sends the appeal on to the Administrative Court in Stockholm for review, if the inspection does not yourself change the decision in the way you have requested. The Chancellor of Justice also receives appeal against the decision in the public interest. The time for

However, an appeal to the Chancellor of Justice is counted from the date of the decision was announced.

Provided that the appeal does not contain any privacy concerns personal information or information that may be covered by confidentiality, you can e-mail the appeal to datainspektionen@datainspektionen.se.

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This decision was made by the unit manager Catharina Fernquist after presentation by the department director Hans Kärnlöf. At the final Hans-Olof Lindblom, the General Counsel, participated in the proceedings.

Catharina Fernquist, 2020-01-31 (This is an electronic signature)

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