Completion of planned inspection at Randers Municipality

Date: 05-08-2019

Decision

Public authorities

The Danish Data Protection Agency has expressed serious criticism that Randers Municipality has not complied with the requirements of the Data Protection Ordinance in connection with the use of data processors.

Journal number: 2018-423-0021

Summary

Randers Municipality was among the authorities that the Danish Data Protection Agency had selected for supervision in 2018. The inspections focused in particular on the municipalities' compliance with the requirements associated with the use of data processors.

In connection with the audit, the Danish Data Protection Agency has expressed serious criticism that Randers Municipality has not complied with the requirements of the Data Protection Ordinance in connection with the use of data processors, cf. Article 28 (1) of the Data Protection Ordinance. 3, and Article 5, para. Article 5 (2) 1.

The Danish Data Protection Agency's concluding statement states, among other things, that Randers Municipality had not entered into data processor agreements with 68 of the municipality's data processors at the time of the inspection visit, where the agreement - as a minimum - contained a description of the obligations mentioned in Article 28 (1). 3. After the inspection visit and before the Data Inspectorate's opinion, Randers Municipality has stated that the municipality has now entered into data processor agreements with all data processors in accordance with the requirements in the Data Protection Ordinance.

In addition, the statement states that although Randers Municipality had continuously supervised the processing of personal data by those of the municipality's data processors who were selected for random checks during the inspection visit, the municipality had not in all cases continuously supervised the processing of personal data by the municipality's sub-processors.

You can read the Danish Data Protection Agency's guide on data controllers and data processors here.

You can read the Danish Data Protection Agency's guiding text on supervision of data processors and sub-data processors here.

You can find the Danish Data Protection Agency's standard data processor agreement here.

Decision

Randers Municipality was among the public authorities selected by the Danish Data Protection Agency in the autumn of 2018 for supervision in accordance with the Data Protection Act [1] and the Data Protection Ordinance [2].

The Data Inspectorate's planned inspection of Randers Municipality focused in particular on the municipality's compliance with the requirements associated with the use of data processors.

At the request of the Danish Data Protection Agency, Randers Municipality had sent a list of which data processors the municipality uses before the inspection visit. Randers Municipality also sent a copy of all of the municipality's data processor agreements.

The inspection visit took place on 9 November 2018.

On the basis of what the Danish Data Protection Agency has established in connection with the inspection visit, the Danish Data Protection Agency finds grounds for concluding in summary:

That Randers Municipality in many cases has not lived up to the requirements of Article 28 (1) of the Data Protection Ordinance. 3, including by

that the municipality has not entered into data processor agreements with regard to 68 of the municipality's data processors, which - as a minimum - contain a description of the obligations mentioned in Article 28 (1) of the Regulation. 3,

that the municipality in individual cases has not sufficiently related to how the obligations in Article 28, para. 3 must be fulfilled by the parties in practice,

that the municipality has not instructed all data processors in a sufficiently clear manner in which processing of personal data is to be carried out on behalf of the municipality.

That Randers Municipality has continuously supervised the processing of personal data by those of the municipality's data processors, which the Danish Data Protection Agency had selected for random checks.

That Randers Municipality has not in all cases carried out ongoing supervision of the processing of personal data by the municipality's sub-data processors.

Following a review of the case, the Danish Data Protection Agency finds grounds to express serious criticism that Randers Municipality has not complied with the requirements of the Data Protection Ordinance in connection with the use of data processors, cf. Article 28 (1) of the Data Protection Ordinance. 3, and Article 5, para. Article 5 (2)

The Danish Data Protection Agency must request Randers Municipality for an account of the data protection law considerations that the municipality has made on the basis of the inspection visit. The statement must be received by the Danish Data Protection Agency no later than 30 September 2019.

The Danish Data Protection Agency must finally request Randers Municipality to send a concrete and detailed plan for how the municipality will in future carry out the necessary supervision of the municipality's data processors and sub-data processors. The plan is to be received by the Danish Data Protection Agency no later than 15 October 2019.

In choosing the sanction, the Danish Data Protection Agency has found it mitigating that the municipality should have entered into / updated a large number of data processor agreements (210 agreements) before 25 May 2018, where the data protection regulation applied, and that entering into and negotiating data processor agreements can generally be a comprehensive and time consuming process.

In addition, the Danish Data Protection Agency has found it mitigating that the municipality had a clear overview of where the municipality needed to enter into data processor agreements and where it was necessary to update the content of the data processor agreements. During the inspection visit, the Danish Data Protection Agency got the impression that Randers Municipality has generally initiated a number of measures in relation to ensuring compliance with the rules associated with the use of data processors, and that the shortcomings found are largely due to the long implementation time of the initiated actions.

Finally, the Danish Data Protection Agency has found it mitigating that, with regard to 28 data processors, there were (old) agreements which to a certain extent regulated the data processor's processing of personal data, and that the municipality has entered into all relevant data processor agreements after the inspection visit.

A more detailed review of the Danish Data Protection Agency's conclusions follows below.

1. Conclusion of data processor agreements, the principle of accountability and the general principles for the processing of personal data

1.1. Relevant rules

Article 28 (1) of the Data Protection Regulation 3, it follows that the processing of a data processor must be governed by a contract or other legal document in accordance with EU law or the national law of the Member States, which is binding on the data processor with respect to the data controller and which determines the subject and duration of the processing, the nature

and purpose of the processing, the type of personal data and the categories of data subjects and the obligations and rights of the data controller. This contract or other legal document shall in particular cover the requirements for the data processor set out in Article 28 (2) of the Regulation. 3, letter a-g.

Pursuant to Article 28 (1) of the Data Protection Regulation, 3, litra a, b.a. a data processor agreement states that the data processor may only process personal data in accordance with documented instructions from the data controller, including in relation to the transfer of personal data to a third country or an international organization, unless required by EU or national law by the data processor; is subject to; in that case, the data controller shall inform the data controller of this legal claim before processing, unless the court in question prohibits such notification for reasons of important societal interests.

It follows from Article 29 of the Data Protection Regulation that the data controller and anyone performing work for the data controller or processor and who has access to personal data may only process this data on the instructions of the data controller, unless required by EU law or the national law of the Member States. right.

Pursuant to Article 28 (1) of the Data Protection Regulation, Article 28 (3) (d) further states in a data processor agreement that the data processor must meet the conditions referred to in Article 28 (2). 2 and 4, to make use of another data processor (sub-data processor).

Article 28 (1) of the Data Protection Regulation 2, it follows that the data processor may not make use of another data processor (sub-data processor) without prior specific or general written approval from the data controller. In the case of general written approval, the data controller shall notify the data controller of any planned changes regarding the addition or replacement of other data processors and thereby give the data controller the opportunity to object to such changes.

Of Article 28, para. 4, it follows that if a data processor uses another data processor (sub-data processor) in connection with the performance of specific processing activities on behalf of the data controller, this other data processor is imposed the same data protection obligations as those stipulated in the contract or another legal document between the data controller and the data processor as referred to in para. Through a contract or other legal document under EU law or the national law of the Member States, in particular providing the necessary guarantees that they will implement the appropriate technical and organizational measures in such a way that the processing meets the requirements of this Regulation. If this other data processor does not fulfill its data protection obligations, the original data processor remains fully responsible to the data controller for the fulfillment of this other data processor's obligations.

It also follows from Article 5 (1) of the Data Protection Regulation 1, letters a and f, that personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject, and that the data must be processed in a way that ensures adequate security of the personal data in question, including protection against unauthorized or illegal processing and against accidental loss, destruction or damage, using appropriate technical and organizational measures.

In addition, it follows from Article 5 (1) of the Data Protection Regulation That the data controller is responsible for and must be able to demonstrate that Article 5, para. 1 is complied with.

Article 5 (1) of the Data Protection Regulation 2, thus contains a responsibility principle, which means that the data controller i.a. must ensure and be able to demonstrate that personal data is processed for lawful and reasonable purposes and that the data is processed in a way that ensures adequate security for the personal data in question - even when the data controller asks another party (a data processor) to process the data on his behalf.

The data controller must then - in order to live up to his obligations in connection with the use of data processors - draw up a data processor agreement which regulates the areas mentioned in Article 28 (1). 3, and relate to how these obligations are to be fulfilled in practice.

The data controller must also - in a sufficiently clear manner - instruct the data processor in what processing of personal data is to be carried out on behalf of the data controller. In practice, this will mean that the data controller must have an overview of the processing and be able to document which processing activities the data processor is instructed to carry out, including which activities the data controller has approved in relation to any transfers to third countries or international organizations. use of sub-processors, etc.

The existence of a sufficiently clear instruction is - in the opinion of the Danish Data Protection Agency - a prerequisite for the data controller to have an overview and control of the processing when this is left to a data processor, and to be able to determine when a data processor may acts outside the scope of the agreed instruction.

It is also important that the data controller is aware of whether it appears from the agreement that the data processor also uses the information for its own purposes. If the data controller approves a data processor agreement, which states - either in the data processor agreement, in the main agreement or other terms of the agreement - that the data processor uses the information for its own purposes, in the Authority's view it will be a transfer of personal data. Chapter 2.

If personal data is passed on to the data processor, this can advantageously be regulated in a separate supplement to the

agreement, so that the data processor's processing for its own purposes is not mixed with the processing carried out on behalf of the data controller. Thus, it should be clear when the data processor is subject to instructions from the data controller and when the data processor is independently responsible for the processing of personal data.

1.2. Compliance with the rules at Randers Municipality

1.2.1. Data processor agreements in process or during update

During the inspection visit, the Danish Data Protection Agency asked whether Randers Municipality has entered into valid data processor agreements with all its data processors, or whether there are agreements that have not yet been entered into or updated so that they meet the minimum requirements in the Data Protection Ordinance.

In this connection, the Danish Data Protection Agency referred to the fact that it appears from the submitted list of data processors that there are 68 - out of about 210 - data processor agreements which are in process or which are being updated, including 40 data processor agreements which are in process. the supplier, and 28 data processor agreements which are being updated in accordance with the requirements of the Data Protection Regulation.

Randers Municipality confirmed that in all 68 cases these are situations where the processing of personal data has begun.

Randers Municipality stated in continuation of this that the municipality - in connection with the implementation of the data protection ordinance - has done much to get an overview of where the municipality needs to enter into data processor agreements, and where it is necessary to update the content of data processor agreements. due to the high number of data processor agreements had not fully reached this goal.

In addition, Randers Municipality stated that the municipality has had a backlog in relation to old contracts, where suppliers as part of their services have processed personal data on behalf of the municipality, but where no data processor agreements have been entered into. In connection with the follow-up of old contracts, the municipality has learned that it can be difficult to subsequently get suppliers to sign a data processor agreement when the municipality already makes use of the supplier's service.

As a result, the municipality has initiated that the municipality's IT contract manager must review all new contracts in order to ensure that contracts are not signed without a data processor agreement being ready for signature if the supplier in question processes personal data on on behalf of the municipality.

By e-mail of 1 May 2019, Randers Municipality has stated that the municipality has entered into data processor agreements

with the suppliers in question in accordance with the requirements of the Data Protection Ordinance. The municipality has also stated that the lack of data processor agreements - in the municipality's assessment - has not meant an increased security risk.

1.2.2 The procedure for the municipality's approval or objection to the use of new sub-processors

During the inspection visit, the Danish Data Protection Agency asked more about the procedure for the municipality's approval of sub-data processors.

During the review of the specific agreements, the Danish Data Protection Agency thus asked whether it has been agreed in detail how and when the municipality should be notified of planned changes - when the municipality has given a general approval for the use of sub-processors - including whether the municipality has the opportunity to object to any changes.

Based on the municipality's responses, the Danish Data Protection Agency was able to establish that in two cases no concrete position had been taken on how and when the data processor should notify the municipality of such changes.

The Danish Data Protection Agency noted in this connection that - in the Authority's view - it would not be in accordance with the requirements of Article 28 (1) of the Data Protection Regulation. 2, that a data processor transfers the processing or parts of the processing to a sub-data processor before the data controller has actually had the opportunity to object to this. The Danish Data Protection Agency also stated that it is the Authority's immediate perception that the data controller must be actively notified of changes regarding the addition or replacement of sub-data processors.

Randers Municipality stated during the inspection visit that the municipality will in future in its data processor agreements be aware of clarifying how and when the municipality must be notified of planned changes in relation to the use of sub-data processors.

1.2.3. Documented instructions and the data processor's processing of personal data for own purposes

During the inspection visit, the Danish Data Protection Agency generally asked how the municipality assesses whether a documented instruction is sufficiently clear.

The municipality stated that the municipality has not previously paid the same attention to the design of instructions for the data processor, and that the municipality has some work to do in reviewing the content of the data processor agreements in order to assess whether the given instructions are sufficiently clear.

The Danish Data Protection Agency then asked what considerations the municipality has made in relation to the cases where it

appears from a data processor agreement that the data processor also uses information for its own purposes, including whether the municipality is aware of this situation.

In this connection, the Danish Data Protection Agency stated that the Authority has previously experienced / seen examples of data processor agreements, from which it is more or less clear that the data processor also uses the information for its own purposes.

The municipality stated that it always appears from the municipality's data processor agreements that the data processor may only use the personal data in accordance with the purposes stated in the agreement, and thereby not for its own purposes.

The Danish Data Protection Agency later drew attention to one of the specific data processor agreements and asked whether the municipality had made any considerations in relation to the data processor using personal data for its own purposes. In this connection, the Danish Data Protection Agency referred to Annex 3 of the agreement (instructions), which states that:

"The municipality and the municipality's teachers must be aware that [data processor] uses selected information for their own purposes. [Data Processor] uses e.g. information on user behavior to be able to target the user-oriented dialogue as well as to optimize our products and services. [Data Processor] will therefore process selected information in connection with newsletters, market and product surveys as well as service and product orientations ".

Randers Municipality stated that the municipality has not been aware of this when entering into the agreement in question and therefore has not taken an active part in the data processor's use of the personal data for its own purposes.

When asked, the municipality stated that they have thus not investigated which specific personal information the data processor uses for their own purposes, and that the municipality has also not commented on whether there is a transfer authority.

The municipality then confirmed that it is not clear to the municipality when the data processor acts on behalf of the municipality and when they act on their own behalf. The municipality stated that they will follow up on this after the inspection visit.

1.2.4. Overview of the data processor's use of sub-data processors

During the review of two of the specific data processor agreements, the Danish Data Protection Agency found that the data processor agreement did not contain information on whether the data processor made use of sub-data processors. On that basis, the Danish Data Protection Agency asked whether the municipality in these two cases was aware of whether the data

processor made use of sub-data processors.

Randers Municipality stated in relation to both data processor agreements that the municipality did not know whether the data processors make use of sub-data processors, but that this would be regulated in a new data processor agreement, which was in process with the data processor.

One of the other specific data processor agreements states regarding the data processor's use of sub-data processors that the data controller can find information about sub-data processors, including the sub-data processor's processing of personal data and location, on the data processor's website. On that basis, the Danish Data Protection Agency asked whether the municipality had an overview of how many sub-data processors are used and where in the world personal data is processed. Randers Municipality stated that the municipality does not have an overview of this. When asked, the municipality further stated that the municipality has not seen any of the sub-data processor agreements in question, and that it is also unclear to the municipality whether the data processor conducts the relevant supervision of the sub-data processors, as the municipality has not followed up on this.

1.3. Summary

In relation to point 1, the Data Inspectorate's summary is that Randers Municipality has not complied with Article 28 (1) of the Data Protection Ordinance. 3.

The Danish Data Protection Agency has hereby emphasized that Randers Municipality has not entered into data processor agreements with regard to 68 of the municipality's data processors which - as a minimum - contain a description of the obligations mentioned in Article 28 (1). And in several cases has also not sufficiently related to how the obligations in Article 28, para. 3 must be fulfilled by the parties in practice.

In addition, the Danish Data Protection Agency has emphasized that Randers Municipality - in relation to some of the data processor agreements reviewed - has not instructed the data processors in a sufficiently clear manner in which processing of personal data is to be carried out on behalf of the municipality. This was shown by the fact that in two cases the municipality did not have an overview of what they have accepted in relation to the use of sub-data processors. With regard to one of the data processor agreements reviewed, it was also the Data Inspectorate's opinion that the municipality was not aware that they had accepted the data processor's use of personal data for its own purposes, and that the municipality had not assessed whether there was the necessary transfer authority for a such acceptance.

2. Supervision of the processing of personal data by the municipality's data processors

2.1. Relevant rules

Article 5 (1) of the Data Protection Regulation 1, it follows, among other things, that personal data must be processed legally, fairly and in a transparent manner in relation to the data subject, and that the data must be processed in a way that ensures adequate security for the personal data in question, including protection against unauthorized or illegal treatment and against accidental loss, destruction or damage, using appropriate technical and organizational measures.

In addition, it follows from Article 5 (1) of the Data Protection Regulation That the data controller is responsible for and must be able to demonstrate that Article 5, para. 1, is complied with.

Article 5, para. 2, contains a principle of accountability, which - in the opinion of the Danish Data Protection Agency - means that the data controller must ensure and be able to demonstrate that personal data is processed for lawful and reasonable purposes, and that the data is processed in a way that ensures adequate security of the personal data - also when the data controller asks another party (a data processor or sub-data processor) to process the information on his behalf.

Failure to follow up on the processing of personal data that takes place at data processors and sub-processors will - in the opinion of the Data Inspectorate - basically mean that the data controller can not ensure or demonstrate the processing's compliance with the general principles for processing personal data, including that the data is processed on a lawful, reasonable and transparent in relation to the data subject ('legality, fairness and transparency') and that the data is processed in a way that ensures adequate security of the personal data in question, including protection against unauthorized or illegal processing and against accidental loss; destruction or damage, using appropriate technical or organizational measures ('integrity and confidentiality').

The data controller must thus carry out (greater or lesser) supervision of compliance with the data processor agreements entered into, including e.g. that the data processor has implemented the agreed technical and organizational security measures. [3]

2.2. Compliance with the rules at Randers Municipality

During the inspection visit, the Danish Data Protection Agency asked whether the municipality generally supervises the data processors' compliance with the requirements in the data processor agreement, including how often and how supervision is carried out.

Randers Municipality stated that the municipality consistently requires auditor's declarations that live up to industry standards (eg ISAE 3000 or ISAE 3402) from its data processors. When asked, the municipality further stated that the municipality has not prioritized resources to perform physical inspections at its data processors.

When asked, Randers Municipality stated that the municipality's IT department is responsible for following up that the municipality actually receives the relevant audit statements from the data processors, and that the IT department has in this connection prepared an overview of the status of follow-up on the individual data processor agreements.

In addition, Randers Municipality stated that the IT department actively relates to the content of an audit statement and assesses whether this provides sufficient information about the processing security. When the municipality receives an audit statement from a data processor, the statement is journalised in the municipality's record system, and a document is attached to the case, in which the municipality states its possible comments on this. In this connection, Randers Municipality presented an example of such a document.

2.2.1. Random check

During the inspection visit, the Danish Data Protection Agency also carried out a random check of whether Randers Municipality had obtained audit statements in relation to the processing of personal data by three specific data processors.

On the basis of the random checks, the Danish Data Protection Agency was able to establish that Randers Municipality had obtained audit statements from the two specific data processors, and that Randers Municipality could present documentation for obtaining the audit statements, and that the municipality had related to the content of these.

In relation to the third specific data processor, the municipality stated that the data processing had ceased and that the data processor agreement in question was thus no longer relevant.

2.3. Summary

In relation to point 2, the Data Inspectorate's summary is that Randers Municipality has complied with Article 5 (1) of the Data Protection Ordinance. 2, cf. 1.

The Danish Data Protection Agency has hereby emphasized that Randers Municipality could demonstrate that the municipality had supervised the processing of personal data by those of the municipality's data processors whom the Danish Data Protection Agency had selected for random checks. Randers Municipality was thus able to present documentation for obtaining the audit statements, and that the municipality had related to the content of these.

Supervision of the processing of personal data by the municipality's sub-data processors

3.1. Relevant rules

Reference is made to point 2.1 of the opinion.

3.2. Compliance with the rules at Randers Municipality

During the inspection visit, the Danish Data Protection Agency also asked whether the municipality generally follows up on whether the processing of any sub-data processors takes place in accordance with the terms that follow from the municipality's agreement with the data processor.

Randers Municipality stated in this connection that it is typically a requirement in the municipality's data processor agreements that the data processor is responsible for conducting the relevant supervision of the sub-data processor, but that the municipality conducts random checks on whether the data processors have actually supervised the sub-data processors.

The municipality also stated that the municipality is actively involved in the content of the audit statements they receive from their data processors. If the municipality has comments on the statements regarding the sub - data processor's compliance with the rules, the data processor makes sure to pass on the municipality's comments to the sub - data processor.

The Danish Data Protection Agency then reviewed one of the specific data processor agreements, which states that the data processor uses 16 sub-data processors, and in this connection asked whether the municipality carries out any kind of supervision of the processing of the specified sub-data processors.

Randers Municipality stated that the municipality has not supervised the processing of the 16 sub-data processors, but that the municipality expects and has confidence that the data processor in question is in control of this. After the inspection visit, the municipality has noticed that it appears from the data processor's audit statement that the data processor continuously supervises the sub-data processors, including by obtaining audit statements from them. However, the Danish Data Protection Agency continues to assume that Randers Municipality has not commented on whether the data processor in question has actually supervised the sub-data processors, and what the result of these inspections may show about the sub-data processor's processing of personal data.

In reviewing one of the other specific agreements, where the municipality did not have an overview of the number of sub-processors, the municipality stated that it was unclear to the municipality whether the data processor in question conducts the relevant supervision of the sub-processors and that the municipality has not followed up. this.

In addition, the Danish Data Protection Agency asked whether Randers Municipality generally follows up on whether the data processor - in accordance with the agreement - has secured the necessary transfer basis in connection with transfers to any sub-data processors in third countries.

Randers Municipality stated in this connection that the municipality - when entering into data processor agreements - tries to ensure and document that there is a valid transfer basis if in the specific cases personal data is transferred to third countries. However, the municipality also stated that this has not always been the municipality's practice.

3.3. Summary

In relation to point 3, the Data Inspectorate's summary is that Randers Municipality has not complied with Article 5 (1) of the Data Protection Ordinance. 2, cf. 1, by not - in the case of some of the reviewed data processor agreements - having followed up on the processing of personal data that takes place at the sub-data processors in question.

The Danish Data Protection Agency has emphasized that in two cases Randers Municipality has not followed up on whether the data processor actually supervises the sub-data processors and what these inspections show about the processing. The Municipality of Randers has thus not ensured or been able to demonstrate compliance with these general principles in Article 5 (1) of the Regulation. 1.

4. Conclusion

On the basis of what the Danish Data Protection Agency has established in connection with the inspection visit, the Danish Data Protection Agency finds grounds for concluding in summary:

That Randers Municipality in many cases has not lived up to the requirements of Article 28 (1) of the Data Protection Ordinance. 3, including by

that the municipality has not entered into data processor agreements with regard to 68 of the municipality's data processors, which - as a minimum - contain a description of the obligations mentioned in Article 28 (1) of the Regulation. 3,

that the municipality in individual cases has not sufficiently related to how the obligations in Article 28, para. 3 must be fulfilled by the parties in practice,

that the municipality has not instructed all data processors in a sufficiently clear manner in which processing of personal data is to be carried out on behalf of the municipality.

That Randers Municipality has continuously supervised the processing of personal data by those of the municipality's data

processors, which the Danish Data Protection Agency had selected for random checks.

That Randers Municipality has not in all cases carried out ongoing supervision of the processing of personal data by the municipality's sub-data processors.

Following a review of the case, the Danish Data Protection Agency finds grounds to express serious criticism that Randers Municipality has not complied with the requirements of the Data Protection Ordinance in connection with the use of data processors, cf. Article 28 (1) of the Data Protection Ordinance. 3, and Article 5, para. Article 5 (2)

The Danish Data Protection Agency must request the Municipality of Randers for an account of the data protection law considerations that the municipality has made on the basis of the inspection visit. The statement must be received by the Danish Data Protection Agency no later than 30 September 2019.

The Danish Data Protection Agency must finally request Randers Municipality to send a concrete and detailed plan for how the municipality will in future carry out the necessary supervision of the municipality's data processors and sub-data processors. The plan is to be received by the Danish Data Protection Agency no later than 15 October 2019.

In choosing the sanction, the Danish Data Protection Agency has found it mitigating that the municipality should have entered into / updated a large number of data processor agreements (210 agreements) before 25 May 2018, where the data protection regulation applied, and that entering into and negotiating data processor agreements can generally be a comprehensive and time consuming process.

In addition, the Danish Data Protection Agency has found it mitigating that the municipality had a clear overview of where the municipality needed to enter into data processor agreements and where it was necessary to update the content of the data processor agreements. During the inspection visit, the Danish Data Protection Agency got the impression that Randers Municipality has generally initiated a number of measures in relation to ensuring compliance with the rules associated with the use of data processors, and that the shortcomings found are largely due to the long implementation time of the initiated actions.

Finally, the Danish Data Protection Agency has found it mitigating that, with regard to 28 data processors, there were (old) agreements which to a certain extent regulated the data processor's processing of personal data, and that the municipality has entered into all relevant data processor agreements after the inspection visit.

[1] Act No. 502 of 23 May 2018 on supplementary provisions to the Regulation on the protection of individuals with regard to

the processing of personal data and on the free movement of such data (the Data Protection Act).

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

[3] Read more about this in the Danish Data Protection Agency's guiding text on supervision of data processors and sub-data processors, which can be found on the Authority's website.