

Supervision of Ringkjøbing Landbobank Aktieselskab'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.

Journal number: 2021-41-0124

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 met the rules

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

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

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

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

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

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

Sparekassen Sjælland-Fyn A/S

Basisbank A/S

Sparekassen Kronjylland

1. Decision

The Danish Data Protection Authority hereby returns to the case where the Danish Data Protection Authority decided to supervise Ringkjøbing Landbobank Aktieselskab's handling of requests for insight 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 Ringkjøbing Landbobank Aktieselskab's handling of requests for insight from customers.

2. Case presentation

By letter of 10 November 2021, the Danish Data Protection Authority has requested Ringkjøbing Landbobank Aktieselskab for an opinion and a copy of the bank's possible procedures, guidelines, templates, etc. for handling requests for insight that

Ringkjøbing Landbobank Aktieselskab made on 30 November 2021.

Subsequently, on 17 January 2022, the Data Protection Authority inquired about Ringkjøbing Landbobank Aktieselskab's procedure for creating "insight reports", to which the bank replied on 3 February 2022.

2.1. Ringkjøbing Landbobank Aktieselskab's remarks

Ringkjøbing Landbobank Aktieselskab has stated that the bank considers the insight report as the basis for answering a request for insight, but that it is the bank's experience that the report will rarely be able to answer the data subject's request without an addendum, which is why a dialogue with the data subject is sought to clarify the purpose of the request and ensure an adequate response to this.

Ringkjøbing Landbobank Aktieselskab has subsequently clarified that the bank often makes contact with the customer to ensure/hear what information the customer wants, as in experience it is often bank statements for a given period that the customer requests. The insight report is then created and any additional material is attached, e.g. account statement, deposit summary or other material that the customer requests at the same time. It is also checked that no personal data has been registered in memo fields, e.g. AML, memo field, meeting minutes.

Ringkjøbing Landbobank Aktieselskab has also stated that the insight report basically contains all information about the data subject, and that data in the insight report is drawn from the "employee portal" system and underlying basic systems.

Ringkjøbing Landbobank Aktieselskab has also stated that it is the bank's assessment that the report contains all information to which the registered is entitled.

Information in the insight report is: social security number, name, date of birth, place of birth, citizenship, address, telephone number, e-mail, employer, RKI registration, family relationships and financial information in the form of assets (property information, car, ship, balance) and liabilities / debts, balance, deposit). Information that is not included are internal memos, such as miscellaneous memos, AML memos and credit assessments.

Finally, Ringkjøbing Landbobank Aktieselskab has stated that it is the bank's experience that the customer often wants additional information than that mentioned above. Ringkjøbing Landbobank Aktieselskab has subsequently stated:

"Most often, customers ask for account statements for a given period, fund notes and the like. Therefore, dialogue with the customer from the central team is of the utmost importance, in order to clarify the need for insight and its fulfillment. The above-mentioned documents are generally not included in the insight report, to ensure that the insight report is concise,

transparent, easy to understand and easily accessible. It should be noted that the customer has access to these documents via their Netbank at all times, but we offer to attach these to the insight report when requesting access, rather than only referring to the Netbank."

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 Ringkjøbing Landbobank

Aktieselskab - noted the following:

that Ringkjøbing Landbobank Aktieselskab most often contacts the customer to clarify what information the customer wants provided, and

that Ringkjøbing Landbobank Aktieselskab creates an insight report for use in responding to requests for insight and attaches any additional material in the form of, for example, account statements, custody overviews or other material that the customer requests at the same time.

that Ringkjøbing Landbobank Aktieselskab in certain cases guides the registered person on how the person concerned can access certain information himself via, for example, online banking, and that the bank offers to attach this, and

that Ringkjøbing Landbobank Aktieselskab sends a copy of the supplementary information that follows from the data protection regulation, article 15, letters a-h.

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

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

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

The Danish Data Protection Authority must finally recommend that Ringkjøbing Landbobank Aktieselskab clarify the process for handling access requests, as described to the Danish Data Protection Authority, in the bank's workflow for this.

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free exchange of such data and on the repeal of Directive 95/46/EC (general data protection regulation)