

Publication of old club magazines

Date: 08-06-2020

Decision

Private companies

Jyllinge Sailing Club has published old club magazines with information about a citizen and refused to delete the information in question. Both parts are in accordance with the rules, the Danish Data Protection Agency finds.

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Summary

The Danish Data Protection Agency has made a decision in a case where a citizen has complained to the supervision that the association Jyllinge Sejlklub has posted three of the association's club magazines from 1981 and 1982 on the Internet, which contain information about the complainant's name, address, age and picture. the association has refused to accede to the complainant's request for deletion of the information in question.

The Danish Data Protection Agency notes in the decision that an association's processing of personal data is covered by the data protection law, and that associations must therefore comply with the data protection law rules in connection with the processing of personal data.

The Danish Data Protection Agency has stated in the decision that it is in accordance with the data protection law rules that Jyllinge Sailing Club has published three of the association's club magazines on the Internet, which contain personal information about complaints. In the assessment, the Danish Data Protection Agency has emphasized the nature of the information, the age of the club magazines and the association's legitimate interest in safeguarding, protecting and informing about its history in a natural context.

In the decision, the Danish Data Protection Agency has further established that Jyllinge Sejlklub has acted in accordance with the data protection law rules, by not complying with the complainants' request for deletion of the information on complaints that appears in the club magazines. In its assessment, the Danish Data Protection Agency has emphasized that Jyllinge Sailing Club processes information about complaints on a legal basis, and that complaints have not stated special reasons that precede the association's interest in processing the information.

Decision

The Danish Data Protection Agency hereby returns to the case, where complainants on 10 October 2019 have complained to the Authority that the association Jyllinge Sejlklub has posted information about complaints on the internet and that Jyllinge Sejlklub has not complied with the complainants' request for deletion of the information in question.

The Danish Data Protection Agency is aware that the Danish Sports Confederation (DIF), the Danish Sailing Union, which is a federation under DIF, and DGI look after Jyllinge Sailing Club's interests in the present appeal case, and that the three listed organizations have issued an opinion in the case, on behalf of Jyllinge Sailing Club. The decision will state that these are Jyllinge Sailing Club's statements.

The Danish Data Protection Agency must initially state that the Personal Data Act [1] per. 25 May 2018 has been repealed and replaced by the Data Protection Regulation [2] and the Data Protection Act [3]. This decision has therefore been taken in accordance with the rules of the Data Protection Regulation and the Data Protection Act.

## Decision

After a review of the case, the Danish Data Protection Agency finds that Jyllinge Sejlklub's processing of personal data has taken place in accordance with the rules in Article 6 (1) of the Data Protection Ordinance. 1 and Article 17.

Below is a more detailed review of the case and a justification for the Danish Data Protection Agency's decision.

## 2. Case presentation

It appears from the case that Jyllinge Sejlklub has published its club magazine, "Vandpytten" from 1981 and 1982, on the Internet, which contains information about the complainant's name, age, address and picture, and that the sailing club has refused to accede to the complainant's request to delete the information in question.

Club sheet no. X, page Z, from 1982, contains information on name and age, as complainants have won a drawing competition. Club magazine no. X, page Z, from 1981, contains information about name, address and picture in connection with the complainants having won a photo competition in the association. Club sheet no. X, page Z, from 1981, contains information about the name in connection with the complainants having passed a proficiency test.

### 2.1. Complainant's remarks

Complainants have stated that Jyllinge Sailing Club has placed PDF files on the Internet, which contain personal information about complaints, including name, age, address and picture. Complainants have in this connection stated that complainants have name and address protection in CPR.

The complainant has further stated that Jyllinge Sejlklub has refused to accede to the complainant's request for deletion of the information in question.

## 2.2. Jyllinge Sailing Club's remarks

Jyllinge Sailing Club has stated that the sailing club's processing of information about complaints has taken place on the basis of the Data Protection Act, section 6, subsection. And Article 6 (1) of the Data Protection Regulation. 1, letter f (the balance of interests rule).

Jyllinge Sailing Club has also stated that the fact that all the old club magazines are posted on the website is due to the sailing club's interest in safeguarding and protecting the sailing club's history and the access to inform about it. Jyllinge Sailing Club has further stated that this interest has a connection with the consideration of freedom of expression and information and the rule on archival purposes in the interest of society according to Article 89 of the Data Protection Regulation.

In addition, Jyllinge Sailing Club has stated that the club magazines only contain general personal information about complaints, that the address given in 1981 is not the complainant's current address, and that the information only appears in connection with the complainant's activity in the sailing club in the 1980s. According to Jyllinge Sejlklub, the information can only be accessed on the sailing club's own website, and is not posted on Google.

Jyllinge Sailing Club has further stated that the sailing club has chosen not to accede to the complainant's request for deletion of the relevant information pursuant to Article 17 of the Data Protection Regulation.

In addition, Jyllinge Sailing Club has stated that the processing of information about complaints is still necessary and that the processing is based on overriding legitimate association interests. In this connection, Jyllinge Sailing Club has stated that the sailing club has a legitimate interest in protecting and informing about its history in a natural context, and that this interest is more weighty than the complainant's interest in the information being deleted.

Jyllinge Sailing Club finds that it is important for the sports organizations that each individual sports association can contribute to the preservation of sports history and that information about sports history reaches members and the public.

## Justification for the Danish Data Protection Agency's decision

### 3.1.

The Danish Data Protection Agency has assumed that Jyllinge Sailing Club has published its club magazine, "Vandpytten" from 1981 and 1982, on the Internet, which contains information about the complainant's name, age, address and picture.

The Danish Data Protection Agency must initially note that an association's processing of personal data is covered by the data protection law, and that associations must therefore comply with the data protection law rules in connection with the processing of personal data.

The processing of personal data - including information on name, age, address and picture - may take place if at least one of the conditions of Article 6 (1) of the Data Protection Regulation 1, letters a-f, are fulfilled, cf. the Data Protection Act, section 6, subsection. 1.

Pursuant to Article 6 (1) of the Data Protection Regulation 1, letter f (the balance of interests rule), processing of personal data may take place if the processing is necessary for the data controller to pursue a legitimate interest, unless the data subject's interests or fundamental rights and freedoms requiring protection of personal data precede it.

The Danish Data Protection Agency finds that Jyllinge Sejlklub's processing of personal data on complaints in the form of a publication on the Internet of the association's club magazines from 1981 and 1982 has taken place in accordance with Article 6 (1) of the Data Protection Ordinance. 1, letter f, as the supervision finds that the balance of interests falls to Jyllinge Sailing Club's advantage.

In this assessment, the Danish Data Protection Agency has emphasized that Jyllinge Sailing Club has a legitimate interest in safeguarding, protecting and informing about its history in a natural context. The Danish Data Protection Agency finds that in connection with this it is necessary for the sailing club to be able to identify the persons who have participated in the sailing club's activities.

The Danish Data Protection Agency has also emphasized the age of the club magazines, including that the magazines were published in 1981 and 1982, and that the information has been available in the magazines for almost 40 years. In addition, the Danish Data Protection Agency has emphasized the nature of the information that appears in the magazines, including that it is not information of a sensitive nature.

With regard to the complainant's information that the complainant has a secret address, the Danish Data Protection Agency has emphasized that the complainant's address in club sheet no. X from 1981 is not identical to the complainant's current address. On that basis, the Danish Data Protection Agency does not find that the information about the complainant's address in the club magazine from 1981 is of such a particularly worthy of protection nature that the balance of interests falls to the complainant's advantage.

On this basis, the Danish Data Protection Agency finds no reason to override Jyllinge Sailing Club's assessment that the processing of complainants' information in the sailing club's club magazines from 1981 and 1982 has taken place in accordance with Article 6 (1) of the Data Protection Ordinance. 1, letter f.

### 3.2.

The Danish Data Protection Agency has further assumed that Jyllinge Sailing Club has not complied with the complainant's request to delete the complainant's information about name, address, age and picture in the club magazines from 1981 and 1982.

It follows from Article 17 (1) of the Data Protection Regulation 1, that the data subject has the right to have personal data about himself deleted by the data controller without undue delay, and that the data controller has a duty to delete personal data without unnecessary delay if one of the conditions in the provision's letters a-f applies.

The Danish Data Protection Agency finds that Jyllinge Sailing Club is not obliged to delete the information about complaints that appears in the sailing club's club magazines from 1981 and 1982. In the Authority's view, the conditions for deletion are in accordance with Article 17 (1) of the Data Protection Ordinance. 1, letters a-f, thus not fulfilled.

In the assessment, the Danish Data Protection Agency has emphasized that it is still necessary for Jyllinge Sailing Club to process the information on complaints, and that the sailing club processes the complainants' information on a legal basis in accordance with Article 6 (1) of the Data Protection Ordinance. Article 17 (1) (f) 1, letters a and d.

The Danish Data Protection Agency has also emphasized that complainants have not stated special reasons that take precedence over Jyllinge Sailing Club's legitimate interests in processing complainant's information, cf. Article 17 (1) of the Data Protection Ordinance. Article 21 (1) (c) 1.

Article 17 (1) of the Data Protection Regulation 1, letters b, e and f, are in the opinion of the Data Inspectorate also not relevant in connection with the deletion of the complainant's personal data in the present complaint case.

On the basis of this, the Danish Data Protection Agency finds no reason to override Jyllinge Sailing Club's assessment that the complainant's personal information should not be deleted from the sailing club's club magazines from 1981 and 1982, cf. Article 17 of the Data Protection Ordinance.

### 3.3.

The Danish Data Protection Agency has noted that Jyllinge Sailing Club has stated that the club magazines can only be

accessed on the sailing club's own website and that they are not posted on Google. In connection with this, the Danish Data Protection Agency has been able to establish that the Authority has not been able to find a link to the club magazines on Jyllinge Sailing Club's own website. The Data Inspectorate, on the other hand, in a search on Google for "Jyllinge Sejlklub Vandpytten 1982 no. X", "Jyllinge Sejlklub Vandpytten 1981 no. X" and "Jyllinge Sejlklub Vandpytten 1981 no. X" found the club magazines in which information about complaints appears . In similar searches on Bing, the Danish Data Protection Agency has found the association's club magazine no. X from 1982. The Danish Data Protection Agency has finally found the association's club magazine no. X and no. X from 1981 by searching for the complainant's name on Google.

It is the Data Inspectorate's opinion that it has not been Jyllinge Sailing Club's intention that the club magazines should be on Google, Bing or similar search engines.

In this connection, the Danish Data Protection Agency can state that in order for the club magazines not to be searchable on various search engines in the future, Jyllinge Sailing Club can place the club magazines on a page that cannot be indexed due to username and password or insert an html code on the sailing club's website. indexing.

The Danish Data Protection Agency must also state that Jyllinge Sejlklub can contact Google, Bing or similar search engines to de-index the search results in question, so that it is no longer possible to search the club magazines on the search engines in question.

In addition, the Danish Data Protection Agency must generally state that complaints as a private individual in certain cases have the right for a search engine to de-index a search result that appears when searching on the complainant's name. If complaints want to have a search result removed, this is most easily done through the complaint form available at the search engines. The complaint form for Google and Bing can be found here:

<https://www.datatilsynet.dk/emner/internet-og-apps/soegemaskiner/>.

[1] Act No. 429 of 31 May 2000 on the processing of personal data with subsequent amendments (the Personal Data 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] 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).