

Decision

Diariennr

2019-02-21

DI-2018-XXXX

Supervision according to the Data Protection Ordinance

2016/679

The Data Inspectorate's decision

The Data Inspectorate closes the case without further action.

Report on the supervisory matter

A complaint regarding unauthorized camera surveillance on the property was received

The County Administrative Board of Dalarna County in April 2018. The complaint was submitted to

The Data Inspectorate in June 2018 after the Data Inspectorate in May 2018 became

national supervisory authority for all personal data processing in Sweden,

including camera surveillance. On the occasion of the complaint has

The Data Inspectorate has initiated supervision of the property owner.

During the examination of the camera surveillance, it has emerged mainly

following.

The property in question is used as an apartment building. The camera that has

noticed was stated to be mounted on the outside of a window on it

upper floor and be facing the street below. Information about it

current camera surveillance was stated to be missing.

The property owner has stated that the camera is a dummy that has been set up by

a former tenant. No camera surveillance is said to have taken place.

The camera dummy was stated to have been removed at the time of the answer. Two

photographs in support of the property owner's information show that the camera is now

disassembled.

Postal address: Box 8114, 104 20 Stockholm

Website: [www.datainspektionen.se](http://www.datainspektionen.se)

E-mail: [datainspektionen@datainspektionen.se](mailto:datainspektionen@datainspektionen.se)

Phone: 08-657 61 00

1 (3)

The Data Inspectorate

DI-2018-XXXX

Justification of the decision

Provisions on which the decision is based

The Data Protection Ordinance 2016/6791 and the Camera Surveillance Act (2018: 1200)

regulates how and to what extent camera surveillance is permitted. About one

surveillance camera captures an identifiable person or someone else

personal data in the picture, the rules in the Data Protection Ordinance apply. This is clear

of Article 2 (1) of the Data Protection Regulation.

Of Article 2 (2) (c) of the Data Protection Ordinance and Section 5 of the Camera Surveillance Act

it appears, however, that the rules do not apply to such

personal data processing or camera surveillance performed by a physical

person as part of a purely private nature or related

with his or her household. This is called the private exemption.

Of Case C 212/13 of the European Court of Justice, where the private exemption in relation to

camera surveillance was tried, it appears that a private person who through fixed

Camera monitors location that is outside its private sphere not covered by

the private exemption.

When a private person camera surveillance a place outside their private sphere must

therefore all legal requirements in the Data Protection Regulation and

the Camera Surveillance Act is complied with. This means, among other things, that it

personal data controller must have a legitimate interest in monitoring that outweighs the interest in the integrity of the site. About the purpose of surveillance can be achieved in a less intrusive way, this alternative must be chosen instead. In addition, the person monitoring must, among other things, clearly inform about who who guards, what purpose the guard has, and where the guard can turn for further information and the enforcement of their data protection rights.<sup>2</sup>

The Data Inspectorate's assessment

The Data Inspectorate states that photographs have shown that it camera that was mounted on the facade of the property has now been dismantled.

1

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 that free flow of such data and repealing Directive 95/46 / EC (General Data Protection Regulation).

<sup>2</sup> Follows from Articles 5, 6 and 12-15 of the Data Protection Regulation.

2 (3)

The Data Inspectorate

DI-2018-XXXX

There is thus no camera surveillance in progress. The provisions of the Data Protection Ordinance and the Camera Surveillance Act therefore do not apply. Against Against this background, the case must be closed without further action.

This decision was made by unit manager Charlotte Waller Dahlberg after presentation by lawyer Jenny Bård. At the final processing has also General Counsel Hans-Olof Lindblom participated.

Charlotte Waller Dahlberg, 2019-02-21 (This is an electronic signature)

How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter i

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 forwards the appeal

to the Administrative Court in Stockholm for review.

You can e-mail the appeal to the Data Inspectorate if it does not contain

any privacy-sensitive personal data or data that may be covered by

secrecy. The authority's contact information can be found on the first page of the decision.