

Supervision of the preparation of lists in Ringkøbing-Skjern Municipality

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Decision

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Summary

In August 2020, the Danish Data Protection Agency completed a planned inspection at Ringkøbing-Skjern Municipality. The audit focused on the municipality's compliance with the requirement to keep records of treatment activities, including in particular whether the municipality's records could be used for the purposes on which the requirement to keep records is based.

After the audit of Ringkøbing-Skjern Municipality, the Danish Data Protection Agency found reason to conclude that the majority of the municipality's registers were prepared in a good and appropriate manner, as the registers - in the audit's assessment - generally provided a good overview of the municipality's processing activities.

Based on the overall experience from the three completed audits regarding the preparation of lists, the Danish Data Protection Agency has found reason to update the guidelines on lists from January 2018.

You can read the Danish Data Protection Agency's guide to listing [here](#).

Decision

Ringkøbing-Skjern Municipality was among the authorities that the Danish Data Protection Agency in the autumn of 2018 had chosen to supervise in accordance with the Data Protection Ordinance [1] and the Data Protection Act [2].

The Danish Data Protection Agency's planned audit of Ringkøbing-Skjern Municipality focused on the municipality's compliance with the requirement to keep records of processing activities in accordance with Article 30 of the Data Protection Ordinance.

At the request of the Danish Data Protection Agency, Ringkøbing-Skjern Municipality had - before the inspection visit - submitted the municipality's records to the inspection. The actual inspection visit took place on 25 October 2018.

The Data Protection Regulation's requirement to keep records of processing activities is to a large extent related to the Regulation's principle of accountability. This principle requires both that the data controller ensures that the processing of

personal data is in accordance with the Regulation and that the data controller is able to demonstrate that the Regulation is complied with, in accordance with Article 5 (1) of the Regulation. And Article 24 (2). The list must be drawn up in order to demonstrate compliance with the Regulation [3] and must be made available to the Danish Data Protection Agency upon request so that it can be used for supervision in accordance with Article 30 (1). 4.

One of the Data Inspectorate's focus points for the supervision of Ringkøbing-Skjern Municipality was thus whether the municipality's records could be used for the purposes on which the requirement to keep records of processing activities is kept. Following the audit of Ringkøbing-Skjern Municipality, the Danish Data Protection Agency finds a summary reason to conclude that the majority of Ringkøbing-Skjern Municipality's lists were prepared in a good and appropriate manner, as the lists - in the Authority's assessment - generally provided a good overview of the municipality's processing activities. However, the Danish Data Protection Agency has noted that in some sections of Ringkøbing-Skjern Municipality's lists, a clarification would be beneficial.

However, based on the experiences from the inspections regarding the preparation of lists, the Danish Data Protection Agency has found reason to update the guidelines on lists from January 2018 [4].

Below is a more detailed review of some of the points that were discussed during the inspection visit to Ringkøbing-Skjern Municipality.

Categories of data subjects and categories of personal data

Pursuant to Article 30 (1) of the Data Protection Regulation 1, letter c, a list must contain a description of the categories of data subjects and the categories of personal data.

1.1. Categories of registered

Prior to the inspection visit, the Danish Data Protection Agency had noted that Ringkøbing-Skjern Municipality's registers generally contained a list of the categories of data subjects about which the municipality processes information.

In some registers, for example, "family members", "evening schools" and "associations" were listed as categories of registered persons. During the inspection visit, the Danish Data Protection Agency asked in more detail what each of the specified categories covered.

It was then the Data Inspectorate's opinion that those present could not state this with certainty, but that they could only make a qualified guess as to what the listed categories covered. However, Ringkøbing-Skjern Municipality referred to the fact that

the municipality's employees in the individual areas would be able to explain exactly what the specified categories of registered persons covered.

On that basis, the Danish Data Protection Agency stated during the inspection visit that Ringkøbing-Skjern Municipality can advantageously specify several of the specified categories of data subjects in order to ensure that it is not only the municipality's employees in the individual areas who can provide more information about the categories.

1.2. Categories of personal information

Prior to the inspection visit, the Danish Data Protection Agency had noted that the majority of Ringkøbing-Skjern Municipality's records contained a description of the categories of personal data that the municipality processes. In several lists, Ringkøbing-Skjern Municipality had stated which specific Article 6 information, Article 9 information and Article 10 information, the municipality processes in connection with a specific processing asset.

According to the Danish Data Protection Agency's assessment, the Ringkøbing-Skjern Municipality's records, which contained a specific indication of categories of personal data, provided a good and useful overview for the benefit of both the municipality and the Authority. By describing the individual categories, the Danish Data Protection Agency could deduce directly from the lists which specific personal data the municipality processes in connection with the processing activities in question. However, some of the municipality's registers contained fields in which the municipality could check whether Article 6 information, Article 9 information and Article 10 information, respectively, are processed in connection with the specific processing activity.

Of the few directories where only check boxes were used, the Danish Data Protection Agency was able to establish that neither those present nor the Authority could see from the directories which specific Article 6 information, Article 9 information or Article 10 information that the municipality processes in connection with the treatment activities in question. When asked about this, Ringkøbing-Skjern Municipality stated, however, that the municipality's employees in the individual areas to which the lists relate would be able to specify the categories of information.

In this connection, the Danish Data Protection Agency referred to the Authority's (now earlier) guidelines on inventories from January 2018, which state that the data controller must be able to specify which specific types of Article 9 information are processed.

During the inspection visit, it was therefore discussed that Ringkøbing-Skjern Municipality - in the opinion of the Data

Inspectorate - can advantageously prepare all its lists so that the categories of personal information are specified, including to ensure that it is not only the municipality's employees in the individual areas. , which can provide more information about the categories.

Ringkøbing-Skjern Municipality stated in this connection that the municipality was in the process of updating the lists with the check boxes, so that it also appears from these which specific information is being processed.

Link between categories of data subjects and categories of information

After a review of the submitted lists, it was not clear to the Danish Data Protection Agency which categories of personal data Ringkøbing-Skjern Municipality processes about the individual categories of data subjects. For example, the Danish Data Protection Agency could not deduce from the records whether the municipality processes Article 9 information on all of the categories of data subjects listed in the individual directories, or whether this was only the case for some of the specified categories of data subjects.

When asked about this, Ringkøbing-Skjern Municipality stated that the persons present would not be able to state from the lists which categories of personal data the municipality processes about the individual categories of data subjects, and that this would at best be qualified guesses.

Against this background, the Danish Data Protection Agency stated during the inspection visit that, in view of the purposes of the register requirement, the Authority's assessment is that a list of processing activities must contain a clear link between which categories of personal data are processed about the individual categories of data subjects. The Danish Data Protection Agency's updated guidance on inventories from August 2020 is in accordance with this.

Categories of recipients to whom the information is or will be passed on

Pursuant to Article 30 (1) of the Data Protection Regulation 1, letter d, a list shall include information on the categories of recipients to whom the personal data are or will be transferred, including recipients in third countries or international organizations.

Prior to the inspection visit, the Danish Data Protection Agency had noted that Ringkøbing-Skjern Municipality's directories generally contained a list of the companies, authorities, etc. to which personal data is or could be passed on.

After a review of the submitted lists, it was not clear to the Danish Data Protection Agency which categories of personal data, including which categories of data subjects, could be passed on to the recipients that the municipality had stated in the lists.

When asked about this, Ringkøbing-Skjern Municipality stated that the persons present would not be able to state this based on the records.

In this connection, the Danish Data Protection Agency's assessment is that a list - if personal data is or will be passed on - must contain information about which categories of personal data are or will be passed on to the recipient in question. In connection with this, it must also be stated which categories of data subjects the information in question relates to. The Danish Data Protection Agency has therefore updated the guidelines on inventories so that the edition from August 2020 is in accordance with this.

4. Deadlines for deleting the different categories of information

Pursuant to Article 30 (1) of the Data Protection Regulation 1, letter f, a list shall, if possible, include the expected time limits for deletion of the various categories of information.

Prior to the inspection visit, the Danish Data Protection Agency had noted that the Ringkøbing-Skjern Municipality's records generally stated specific deletion deadlines for the individual processing areas. In a few lists, however, reference was made to the recommended deletion deadlines in the municipalities' subject system, KLE.

Asked about the lists' references to the recommended deletion deadlines in KLE, Ringkøbing-Skjern Municipality stated during the inspection visit that you can quickly look up in KLE during certain treatment activities and then see the recommended deletion deadline.

The Danish Data Protection Agency has no comments on the fact that Ringkøbing-Skjern Municipality has in its lists both specified specific deletion deadlines and referred to the recommended deletion deadlines in KLE.

5. Description of the technical and organizational security measures

Pursuant to Article 30 (1) of the Data Protection Regulation A list shall, if possible, include a general description of the technical and organizational security measures referred to in Article 32 (1) (g). 1.

Prior to the inspection visit, the Danish Data Protection Agency had noted that Ringkøbing-Skjern Municipality has generally described the technical and organizational security measures that the municipality has taken in connection with the processing activities in question, directly in the lists. In some lists, however, reference was made to the municipality's information security rules or internal guidelines in the IT security handbook.

During the inspection visit, the Danish Data Protection Agency generally had no comments on the fact that Ringkøbing-Skjern

Municipality in a few lists referred to the municipality's information security policy with regard to a general description of the technical and organizational security measures.

Prior to the inspection visit, the Danish Data Protection Agency had further noted that Ringkøbing-Skjern municipality in a few lists referred to the fact that a given processing takes place in accordance with certain legal rules.

In this connection, the Danish Data Protection Agency stated that a reference to legal rules should only be stated in the section on security measures if the legal rules contain provisions on technical and organizational security measures in relation to the processing of personal data.

6. Conclusion

Following the audit of Ringkøbing-Skjern Municipality, the Danish Data Protection Agency finds a summary reason to conclude that the majority of Ringkøbing-Skjern Municipality's lists were prepared in a good and appropriate manner, as the lists - in the Authority's assessment - generally provided a good overview of the municipality's processing activities. However, the Danish Data Protection Agency has noted that in some sections of Ringkøbing-Skjern Municipality's lists, a clarification would be beneficial.

The requirement to keep records of processing activities is - as mentioned above - largely related to the regulation's principle of accountability.

The responsibility is expressed by the data controller both having to comply with the rules of the regulation and at the same time be able to demonstrate that this is in fact the case. It is thus up to the data controller to have an overview of the processing activities that he carries out and to be able to demonstrate to e.g. the supervisory authority that the treatment activities in question comply with the rules of the Regulation.

Each data controller (and data processor) must thus cooperate with the supervisory authority and, upon request, make the records available to the supervisory authority so that these can be used to monitor whether the data controller complies with the processing conditions in the Regulation. The common thread in the regulation on accountability is thus implemented, among other things, in the requirement to list treatment activities in Article 30 of the Regulation.

Based on the experiences with the inspections of lists in a number of municipalities - including Ringkøbing-Skjern Municipality - the Danish Data Protection Agency has therefore found an opportunity to update the guidelines on lists from January 2018 [5].

This is partly due to the fact that the lists that the Danish Data Protection Agency has had for review, in the Authority's

assessment, could not be used sufficiently for the purposes behind the list requirement. In several cases, neither the municipalities nor the Danish Data Protection Agency could form an overview of the scope of the processing activities based on the content of the lists. Thus, it was also difficult for the Authority to ensure that the treatment activities in question complied with the rules of the Regulation.

It is the Data Inspectorate's assessment that an update of the guidelines contributes to inventories being prepared in a way that ensures that the inventories are concretely and practically usable for both the data controller / data processor and for the Data Inspectorate.

The Danish Data Protection Agency thus emphasizes that the requirement to draw up lists must not just become a formal requirement, and that the lists only become really substantive in terms of content when they are drawn up in a way that creates a real overview of the treatments in question and forms a basic foundation for the data controller's / data processor's general compliance with the data protection rules.

[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

on the processing of personal data and on the free movement of such data and on the repeal of Directive 95/46 / EC (General Data Protection Regulation).

[2] 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).

[3] Cf. preamble No 80

[4] The Danish Data Protection Agency's updated guide to inventories from August 2020 can be found on the Authority's website

[5] The Danish Data Protection Agency's updated guide to inventories from August 2020 can be found on the Authority's website.