

Decision

Diarienr

2019-02-21

DI-2018-XXXXX

Supervision according to the Data Protection Ordinance

2016/679 - camera surveillance

The Data Inspectorate's decision

The Data Inspectorate closes the case without further action.

Report on the supervisory matter

The Data Inspectorate has received complaints regarding unauthorized use of camera surveillance on property and has therefore initiated supervision of the property owner.

The complainant has stated that the property owner has aimed three cameras at others' residential buildings and towards public roads.

During the examination of the camera surveillance in question, it has emerged in essence the following.

The property in question is a private residential address. Two cameras are mounted on a facade and directed out from the property. There is a camera indoors on the second floor and is directed out through a window, also this towards a public road and a residential building outside the property in question. The camera was mounted according to the notifier in the fall of 2018, when supervision has already begun.

The property owner has stated that the cameras that are subject to review are dummies, which thus do not work for camera surveillance. Four more photographs support the property owner's data showing that the cables to the two cameras provided on the facade are cut off. A receipt showing a purchase of one

camera dummy in the autumn of 2018 provides support for the task that also the latest

set up camera constitutes a dummy.

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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 and 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.²

The Data Inspectorate's assessment

The Data Inspectorate states that through photographs and receipts, respectively purchase of camera dummy has shown that the current cameras are not

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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).

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

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functioning, whereby personal data processing through surveillance can not take place.

The provisions of the Data Protection Ordinance and the Camera Surveillance Act apply therefore not. 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.

How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter i the letter which decision you are appealing 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. If the appeal has been received in time, send

The Data Inspectorate forwarded it 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.