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Expressen Lifestyle AB

105 44 Stockholm

Supervision according to the data protection regulation

– Expressen Lifestyle AB

The Privacy Protection Authority's decision

The Privacy Protection Authority states that Expressen Lifestyle AB (556025-4525), has processed personal data in violation of Article 13.1 c of the data protection regulation by stating an incorrect legal basis for the processing of the data subject personal data during May 2018 until 4 June 2019.

The Privacy Protection Authority gives Expressen Lifestyle AB a reprimand according to article 58.2 b of the data protection regulation for violation of 13.1 c of the data protection regulation.

Account of the supervisory matter

On June 4, 2019, the Swedish Privacy Protection Agency (IMY) started an investigation against Bonnier Magazine and Brands AB. The supervision was not prompted by any complaint but aimed at to review the consents obtained to fulfill the obligation to have one legal basis according to Article 6.1 of the data protection regulation met the requirements of data protection regulation on voluntariness, information and clarity and that the legal the basis clearly appears. Bonnier Magazine and Brands AB was in charge introducing a check box on their web page along with the text. "I approve the subscription terms. I hereby consent to the processing of personal data within The Bonnier Group."

In its statement to IMY, Bonnier Magazines and Brands has stated that the information in the registration flow in the company's webshop, Magasinshoppen, was accidentally not updated in the same way as on other web pages. With the data protection regulation coming into force in 2018, Bonnier Magazine and Brands AB carried out an extensive

work which meant, among other things, that the company reassessed its legal basis for Processing of personal data. Instead of consent, Bonnier Magazine founded and Brands AB's processing of customers' personal data mainly on legal grounds the grounds in Article 6.1 b of the Data Protection Regulation, agreement, or in Article 6.1 f i data protection regulation, legitimate interest. In the normal registration flow that is used on Bonnier Magazine and Brands AB's web pages, the customer is asked to agree to the subscription terms and confirm that he has taken part in Bonnier Magazine and Brands AB's data protection policy. Bonnier Magazines and Brands AB has stated that measures were taken immediately when IMY began the inspection to update the Magazine Shop with correct information in the registration flow.

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Bonnier Magazines and Brands AB has been dissolved by merger on June 1, 2022 and joined Expressen Lifestyle AB (556025-4525).

Justification of the decision

Of ch. 23 Section 1 of the Companies Act (2005:551) follows that the effects of a merger mean that all assets and liabilities are taken over by another company at the time of the merger. The acquiring company is therefore responsible for the obligations that existed in the company that taken over. In light of this, IMY makes the assessment that the acquiring company after the time of the merger is a party to IMY's supervision matter and this supervision is therefore aimed at against Expressen Lifestyle AB.

When a personal data controller collects personal data from a registered person shall information regarding the legal basis for the processing appears, according to Article 13.1 c in the data protection regulation. The person in charge of personal data must, according to Article 12.1 i data protection regulation take measures to provide this to the data subject information in a concise, clear and clear, comprehensible and easily accessible form, with the use of clear and unambiguous language. IMY considers the text next to the checkbox on the company's website "I accept the subscription terms. I hereby agree personal data processing within the Bonnier Group", gives the registered impression that the company's legal basis for processing personal data is consent according to article 6.1. a in the data protection regulation. The information text that was under the link with the text of the subscription terms further reinforces this through wording "When ordering, you agree that your personal data including email address, mobile number for calls and text messages and any other digital addresses, may be stored and used within Bonnier for digital services, marketing, as well as for statistical and analysis purposes.". Furthermore, information is provided in the same place about the terms of consent including the right to withdraw consent.

The company has stated that the company does not base its processing on customers' personal data on consent but mainly on the legal grounds contract or justified interest according to Article 6.1 b and f of the data protection regulation.

Against this background, IMY states that the company has processed personal data in violation of Article 13.1 c of the Data Protection Regulation by stating the wrong legal basis for the processing of data subjects' personal data.

Choice of intervention

From article 58.2 and article 83.2 of the data protection regulation it appears that IMY has power to impose administrative penalty charges in accordance with Article 83.

Depending on the circumstances of the individual case, the administrative sanction fees are imposed in addition to or instead of the other measures referred to in Article 58(2), which for example injunctions and prohibitions. Furthermore, Article 83.2 states which factors which shall be taken into account when deciding whether administrative penalty charges shall be imposed and at determining the size of the fee. If it is a question of a minor violation, IMY gets as set out in recital 148 instead of imposing a penalty charge issue one reprimand according to article 58.2 b. Consideration must be given to aggravating and mitigating factors circumstances of the case, such as the nature, severity and duration of the infringement as well as previous violations of relevance.

IMY notes the following relevant circumstances. Bonnier Magazines and Brands

AB took immediate action when IMY began its oversight to update

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the information in the registration flow on its website so that it registered accordingly

neither met with a consent request nor informational text about consent. Instead

the data subject is asked to accept the subscription terms (i.e. the purchase terms) and confirm that he has read the company's data protection policy. The website has not been the page through which most of the company's customers signed their subscriptions. The use of the web shop has therefore been limited, which is why only 1372 customers signed their subscriptions via this website during the current time period. Further where it was a mistake that the website was not updated in connection with the company's review its routines in connection with the entry into force of the data protection association. IMY assesses that the shortcoming in question did not have serious consequences for the data subjects. Against this one background, IMY assesses that it is a question of such a minor violation in that sense which is referred to in reason 148 which results in Expressen Lifestyle AB being given a reprimand according to article 58.2 b of the data protection regulation for the identified deficiency. This decision has been taken by the head of unit Catharina Fernquist after a presentation by lawyer Ulrika Bergström.

Catharina Fernquist, 2023-06-26 (This is an electronic signature)

How to appeal

If you want to appeal the decision, you must write to the Swedish Privacy Agency. Enter in the letter which decision you are appealing and the change you are requesting. The appeal shall have been received by the Privacy Protection Authority no later than three weeks from the day you received it part of the decision. If the appeal has been received in time, send

The Privacy Protection Authority forwards it to the Administrative Court in Stockholm examination.

You can e-mail the appeal to the Privacy Protection Authority if it does not contain any privacy-sensitive personal data or information that may be covered by secrecy. The authority's contact details appear on the first page of the decision.