

Favrskov Municipality is recommended for a fine

Date: 16-09-2021

## News

The Danish Data Protection Authority reports Favrskov Municipality to the police and recommends a fine of DKK 75,000, as the Danish Data Protection Authority assesses that the municipality has not met the requirements for an appropriate level of security in the data protection regulation.

On 19 August 2020, the Norwegian Data Protection Authority received a notification from Favrskov Municipality about a breach of personal data security. The report stated that a laptop - containing a program that was used to ensure an overview of the municipality's housing resources and therefore contained information on the names and social security numbers of around 100 people with reduced physical and/or mental functioning - had been stolen in connection with a burglary on the municipality's premises.

The hard drive of the computer in question was not encrypted, and the program in question, which contained confidential and sensitive personal data, was not equipped with security measures that could log the use of the program with the confidential and sensitive personal data.

During the processing of the case, the Danish Data Protection Authority found that Favrskov Municipality for a long period prior to 12 August 2020 had not taken care to encrypt the hard drives on the municipality's laptops, which resulted in an insufficient level of security.

## Requirements for adequate security

The requirements in article 32 imply that Favrskov Municipality has a duty to ensure that the information processed by the municipality's employees does not come to the knowledge of unauthorized persons. It is the DPA's clear view that Favrskov Municipality has not met the requirements for an appropriate level of security in Article 32 of the Data Protection Regulation.

It is common knowledge among those who work professionally with IT that it is simple to access files stored on a computer when the hard drive is not encrypted. It can, for example, be by moving the hard drive to another computer, thereby bypassing both the technical security measure consisting of username and password, as well as any passwords set up in the computer's BIOS.

In addition, it is the authority's assessment that stolen mobile devices are generally examined for personal data to a greater

extent than previously, such as e.g. credit card information and social security numbers before these are disposed of, e.g. on resale. This is partly due to the growing underground market, where this type of information can be resold, and partly to the increased digitization of society in general, with which the possibilities for the utilization of personal data are increasing.

Encryption of personal data is a generally recognized security measure that is even specifically mentioned as an example of a technical measure in Article 32, para. 1, letter a.

"Every day, the municipality processes a large amount of personal data of a sensitive nature about the municipality's citizens. As a citizen, you cannot opt out of the municipality's processing of your personal data. This means that the municipality has a great responsibility to avoid the information being made available to unauthorized persons," says head of office Frederik Viksøe Siegumfeldt, and continues:

"When a computer's hard drive is not encrypted, it is easy to access the files stored on the computer - in this case personal data. Therefore, it is crucial that the municipalities protect the computers with encryption, and Favrskov Municipality had not done that."

After an overall assessment, the Danish Data Protection Authority is of the opinion that Favrskov Municipality has not implemented appropriate technical measures to ensure a level of security that matches the risks to the rights of the data subjects, and that this is a serious violation of the data protection regulation's article 32.

Why report to the police?

The Danish Data Protection Authority always makes a concrete assessment of the seriousness of the case pursuant to Article 83, paragraph 1 of the Data Protection Regulation. 2, when assessing which sanction is the correct one in the opinion of the supervisory authority.

In assessing that a fine should be imposed, the Danish Data Protection Authority has emphasized that Favrskov Municipality had not encrypted the hard drives on the municipality's laptops before 12 August 2020. Furthermore, the supervisory authority has placed importance on the fact that confidential and health-related information about persons with reduced physical or mental functioning and who were linked to a residential facility was processed on the computer in question.

Do you want to know more?

Wondering how to protect personal data? Get an overview [here](#).

You can also read about the types of personal data available [here](#).