

Examination of selected security areas: ATP - Arbejdsmarkedets Tillægspension

Date: 15-01-2021

Decision

Public authorities

Based on ATP - Arbejdsmarkedets Tillægspension's answer to the submitted questions, the Data Inspectorate's overall assessment is that ATP - Arbejdsmarkedets Tillægspension's general maturity in the security area is an expression of a level that matches the risks that the organization's processing activities pose to the data subjects' rights and freedoms.

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Summary

As part of the Danish Data Protection Agency's work to strengthen the data and risk-based approach to guidance and control, the Authority completed a number of questionnaire surveys in December 2020. The surveys were intended to shed light on the general maturity of selected security areas at seven public authorities and seven private companies. The questionnaires included i.a. issues for handling backup and breaches of personal data security as well as preparation of information security policies, contingency plans and documentation.

The Danish Data Protection Agency can state that the handling of backup in particular is an area that has the attention of the data controllers. In several cases, however, the Danish Data Protection Agency has assessed that the data controllers may have a greater focus on the establishment of contingency plans and contingency plans.

On 10 July 2020, the Danish Data Protection Agency sent a questionnaire to ATP - Arbejdsmarkedets Tillægspension.

The Data Inspectorate's purpose in conducting the written questionnaire survey was in particular to make an assessment of ATP - Arbejdsmarkedets Tillægspension's maturity in the area of data protection with a special focus on handling breaches of personal data security and compliance with information security requirements, including handling documentation, backup and contingency plans.

Based on ATP - Arbejdsmarkedets Tillægspension's response, the Danish Data Protection Agency has also made an overall assessment of the measures that ATP - Arbejdsmarkedets Tillægspension has assessed as appropriate to address risks that the organization's processing activities pose to the data subjects.

1. The Danish Data Protection Agency's assessment

1.1. Established security measures

Article 32 (1) of the Data Protection Regulation [1] 1, states, inter alia, that the data controller, taking into account the current technical level, the implementation costs and the nature, scope, coherence and purpose of the treatment in question, as well as the risks of varying probability and seriousness for natural persons' rights and freedoms, implement appropriate technical and organizational measures to ensure a level of safety appropriate to these risks.

Based on ATP - Arbejdsmarkedets Tillægspension's answer to the submitted questions, the Data Inspectorate's overall assessment is that ATP - Arbejdsmarkedets Tillægspension's general maturity in the security area is an expression of a level that matches the risks that the organization's processing activities pose to the data subjects' rights and freedoms.

In this connection, the Danish Data Protection Agency's assessment is that ATP - Arbejdsmarkedets Tillægspension's answers regarding information security policies, handling of security breaches and backup in particular indicate that the organization has actively addressed any risks to the data subject, that the organization has established procedures and guidelines for safety and that the organization has otherwise established relevant and appropriate safety measures.

With regard to risk assessment, notification of data subjects in the event of breaches of personal data security and contingency plans, the Danish Data Protection Agency has noted, however, that ATP - Arbejdsmarkedets Tillægspension has stated that in certain areas only partially implemented planned measures have taken place. Overall, however, the Danish Data Protection Agency finds that ATP - Arbejdsmarkedets Tillægspension's responses leave an impression that the organization is actively working on this, and on that basis the Authority finds no basis for taking further action on that occasion.

1.2. Especially about documentation

Article 5 (1) of the Data Protection Regulation 2, states that the data controller is responsible for and must be able to demonstrate that the data controller complies with the principles for the processing of personal data mentioned in Article 5, para. 1, including i.a. personal data is processed in a way that ensures adequate security for the personal data in question, in accordance with Article 5 (2). 1, letter f.

In continuation of the above, the Danish Data Protection Agency has noted that ATP - Arbejdsmarkedets Tillægspension has stated that it will be possible to submit documentation within a time horizon that the Authority generally finds acceptable.

After an overall assessment of the case, including in particular the preservation of the questions sent, the Authority has not found reason to request the submission of documentation.

The Danish Data Protection Agency considers the case closed and will not take any further action.

The Danish Data Protection Agency's opinion can be brought before the courts, cf. section 63 of the Constitution.

[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 the free movement of such data and repealing Directive 95/46 / EC (General data protection regulation).