

Complaint about Wash World ApS 'handling of the data subject's request for insight into TV surveillance footage

Date: 05-03-2019

Decision

Private companies

The Danish Data Protection Agency expresses serious criticism that the data subject's request for access to television surveillance recordings has not been processed in accordance with the rules in the Data Protection Regulation.

Journal number 2018-832-0004

Summary

The Danish Data Protection Agency has dealt with a complaint that Wash World ApS initially rejected a registrar's request for insight on the grounds that the television surveillance recordings included other persons. Wash World ApS subsequently granted the request, but only more than three months after the registrant's request.

In the decision, the Danish Data Protection Agency has noted that if the data subject requests access to television surveillance recordings that include information about other persons, the data controller must obscure or otherwise remove them by, for example, using image cropping.

Decision

1. The Danish Data Protection Agency hereby returns to the case where (...) (hereinafter the complainant) on 3 July 2018 has complained to the Danish Data Protection Agency about Wash World ApS '(hereinafter Wash World) handling of the complainant's request for insight.

After a review of the case, the Danish Data Protection Agency finds that there are grounds for expressing serious criticism of Wash World.

Below is a more detailed review of the case and a justification for the Danish Data Protection Agency's decision.

2. Case presentation

It appears from the case that plaintiffs in connection with a property damage case had asked Wash World to provide a copy of television surveillance footage of himself, his son and car in Wash World, and that Wash World, after his repeated requests, has refused to provide a copy. of the video recordings of him.

By letter dated 27 August 2018, the Danish Data Protection Agency has requested Wash World for an opinion in connection

with the complaint, which Wash World has replied to by letters dated 21 September and 12 November 2018.

2.1. Complainant's remarks

Complainants have stated that he has repeatedly asked Wash World for the disclosure of a copy of television surveillance footage of himself, and that Wash World has denied him disclosure of the footage on the grounds that the disclosure would be contrary to the company's disclosure policy to individuals.

Complainants have stated that he subsequently received the recordings from the TV surveillance.

2.1. Wash World's remarks

By letter dated 21 September 2018, Wash World has stated that Wash World has received the complainant's request for insight, which the company has also complied with.

Wash World further stated by letter dated 23 November 2018 that complainants had requested access to the television surveillance footage on 20 June 2018 and that the footage was released on 25 September 2018. Wash World has stated that the material in question contained footage by a third party, which is why Wash World initially chose not to disclose the material for complaints. Wash World has lamented the long processing time of the complainant's request.

3. Legal basis

According to Article 2 (1) of the Data Protection Regulation [1], 1, applies to the processing of personal data carried out in whole or in part by means of automatic data processing, and to other non-automatic processing of personal data which is or will be contained in a register.

According to Article 15 (1) of the Data Protection Regulation 1, the data subject has the right to receive the data controller's confirmation of whether personal data concerning the person in question is processed, and if applicable, access to the personal data and the following information:

the purposes of the treatment

the affected categories of personal data

the recipients or categories of recipients to whom the personal data are or will be transferred, in particular recipients in third countries or international organizations;

if possible, the intended period during which the personal data will be stored or, if this is not possible, the criteria used to determine that period;

the right to request the data controller to rectify or delete personal data or to restrict the processing of personal data concerning the data subject or to object to such processing;

the right to lodge a complaint with a supervisory authority

any information available on the origin of the personal data, if not collected from the data subject

the existence of automatic decisions, including profiling, as referred to in Article 22 (1); 1 and 4, and as a minimum meaningful information about the logic therein as well as the significance and the expected consequences of such processing for the data subject.

Pursuant to Article 15 (1) of the Data Protection Regulation 3, the data controller must provide a copy of the personal data that is processed.

It is also clear from Article 12 (1) of the Data Protection Regulation 3, that the data controller without undue delay and in all cases no later than one month after receipt of the request must inform the data subject of measures taken on the basis of a request in accordance with i.a. Article 15.

This period may be extended by two months, if necessary, taking into account the complexity and number of the request. The controller shall notify the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

There is thus an absolute deadline for responding to requests from a data subject of three months. However, the vast majority of requests must be assumed not to be complicated, which is why they must be answered within one month of receipt.

Section 22 of the Data Protection Act contains a number of exceptions to the data subject's right of access pursuant to Article 15 of the Data Protection Regulation.

4. Justification for the Danish Data Protection Agency's decision

The Danish Data Protection Agency has assumed that Wash World will not respond to the complainant's request for insight until 25 September 2018.

Pursuant to Article 15 (1) of the Data Protection Regulation 1, only information about the data subject himself must be provided in connection with a request for insight.

If the television surveillance recordings include information about other persons, the data controller must thus obscure or otherwise remove them, e.g. by image cropping.

The Danish Data Protection Agency finds grounds for expressing serious criticism that Wash World initially rejected the complainant's request for access, citing that the recordings contained recordings of a third party and that Wash World only provided a copy of the video surveillance material more than three months after the data subject's request.

5. Concluding remarks

A copy of this letter will be sent to the complainant for information.

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

[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).