

## I. Order

1. The Institute of Registries and Notaries, I.P. (IRN) came to ask the National Data Protection Commission (CNPD) to issue an opinion on a protocol that aims to regulate access by Cartaxo City Council to the car registration database.
2. The request is made pursuant to paragraph d) of paragraph 2 of article 27-D and paragraphs 2, 3 and 7 of article 27-E of Decree-Law no. 54 /75, of February 121, diploma that defines the Car Registration Regime.
3. The parties to the protocol are the IRN, the Institute of Financial Management and Justice Equipment, I.P. (IGFEJ) and Cartaxo City Council.
4. Under the terms of Clause 1 of the Protocol, Cartaxo City Council is authorized to access vehicle registration information through an online consultation of the respective database, located at the IGFEJ, for the exclusive purpose of pursuing the competence that is legally committed within the scope of monitoring compliance with the provisions of the Highway Code and complementary legislation within the scope of the management and supervision of urban public parking in the Municipality of Cartaxo, as well as the instruction and decision of road administrative offense procedures for minor infractions related to prohibited parking , undue or abusive in parks or parking areas, roads and other public spaces whether within the localities or outside the localities, in this case as long as they are under municipal jurisdiction, including the imposition of fines and costs..
5. The following data are accessed: «name, habitual residence, number and date of the identification document and tax identification number, when available, or firm, headquarters and legal person number, of the owner or lessee or usufructuary, and also the charges and charges" (No. 1 of Clause 1a).
6. Access to the database is carried out through a search by vehicle registration number and is conditioned to the mandatory identification of the case number or the report to which they relate, (cf. no. 1 of Clause 2.a).
7. For auditing purposes, accesses are registered for a period of two years, in accordance with the provisions of Clause 2(2) of the protocol.

8. Pursuant to Clause 3 of the Protocol, Cartaxo City Council must observe the legal provisions in force on the protection of personal data contained in Regulation (EU) 2016/679 of the European Parliament and

1 As amended by Decree-Law No. 111/2019, of August 16.

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of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) and Law No. 58/2019, of August 8, in particular with regard to respecting the purpose for which the consultation was authorized, which must be limited to what is strictly necessary, not using the information for other purposes; not to transmit the information to third parties; to take the necessary security measures to guarantee the integrity and proper functioning of the database. Any form of interconnection of personal data is also prohibited.

9. It is also foreseen, in the same clause, that, if the City Council resorts to a subcontractor to execute the protocol, it is bound, namely, to guarantee the security of the treatment, to ensure that the people involved assume a commitment to confidentiality and to inform the IRN of all the information necessary to demonstrate compliance with the obligations set forth in the RGPD, including facilitating and contributing to audits or inspections conducted by the IRN or by another auditor mandated by this mandate.

10. Pursuant to paragraph b) of this Clause, Cartaxo City Council undertakes to maintain an updated list of persons authorized to access the databases.

11.0 access is carried out through two types of alternative channels, in both cases with the implementation of IPsec tunnels, to guarantee the confidentiality of the data.

12. 0 IGFEJ, I.P. will assign an application user and respective password to the Municipality of Cartaxo, for access to the available web services.

13. Each access to the webservice must contain the identification (username and name) of who triggered the invocation, and each invocation carried out by the user identified in the previous paragraph is registered in the system for auditing purposes for

a minimum period of two years.

14. Still under the terms of the protocol, the City Council of Cartaxo undertakes to communicate in advance to the IRN the identification of users accessing the database, by indicating the name, category/function and professional email address of the intended user. to establish the necessary contacts within the scope of user management, following which the IRN, I.P. sending this listing to the IGFEJ, I.P.

15. Under the terms of number 5, the IGFEJ, I.P. it also registers all communications made within the scope of this protocol, in accordance with its audit policy.

16. The protocol is concluded for a period of one (1) year, tacitly renewable for equal periods.

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## II. Analysis

17. As for the article, the possibility for municipalities to access the vehicle registration stems from the combined provisions of paragraph d) of paragraph 1 and paragraph a) of paragraph 3 of article 5 of Decree-Law no. 44/2005, of February 27th, last amended by Decree-Law No. 146/2014, of October 9th.

18. The City Council of Cartaxo is, pursuant to article 5, paragraph 1, paragraph d) and paragraph 3, paragraph a) of Decree-Law no. 44/2005, of 23 February, the entity in charge of managing and supervising urban public parking in the Municipality of Cartaxo, as well as the instruction and decision of road administrative offense procedures for minor infractions related to prohibited, undue or abusive parking in parks or parking areas, roads and other public spaces either inside the localities or outside the localities, in this case as long as they are under municipal jurisdiction, including the application of fines and costs..

19. In accordance with paragraph d) of paragraph 2 of article 27-E of the regime relating to the Automobile Registration, the personal data of the automobile registration must be communicated, for the pursuit of the respective attributions, to the entities in charge of inspection of the Highway Code. Paragraphs 2, 3 and 7 of article 27-E of the same diploma also allow these

entities to be authorized to consult a data transmission line, provided that the security guarantees are observed and subject to the signing of a protocol .

20. Thus, there is a basis of legitimacy for this processing of personal data, in terms of access, under Article 6(1)(e) of the RGPD.

21. With regard to the communication of individual users of Cartaxo City Council to the IRN, in addition to the name and category/function, it is also foreseen that the user's professional email address is communicated to the IRN, which is intended to establish the necessary contacts in the scope of user management (cf. paragraph 4 of Clause 5a). The express consecration in the text of the protocol of the purpose of processing the email address is welcomed.

22. As for the retention period of system access records for auditing purposes (logs), while it is indicated that the logs referred to in Clause 2.a are kept for two years, therefore a fixed period (minimum and maximum), the log conservation period referred to in Clause 5.® refers to a minimum period of two years, leaving the maximum period open, which is why it is recommended to reformulate paragraph 2 of clause 5.a in compliance with the principle of conservation limitation provided for in Article 5 of the GDPR.

23. With regard to security measures relating to the transmission of data, without prejudice to the need for permanent verification of their compliance, they appear to be appropriate.

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24. The intervention of the IGFEJ in this protocol stems from the attribution provided for in paragraph m) of paragraph 2 of article 3 of Decree-Law no. 164/2012, of 31 July.

### III. Conclusions

25. The CNPD considers that there is legitimacy for the Cartaxo City Council to access personal data from the car registration, within the limits and conditions recommended by this protocol, and therefore understands that there is no impediment to its celebration.

Approved at the meeting of November 29, 2022

Filipa Calvao (President)