

Supervision of the data protection adviser's tasks in Fredensborg Municipality

Date: 17-03-2021

Decision

Public authorities

On the basis of the circumstances examined, the Danish Data Protection Agency finds that Fredensborg Municipality's use of external data protection advisers is within the framework of the Data Protection Ordinance.

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Summary

In the first half of 2019, the Danish Data Protection Agency decided to supervise various topics concerning the municipalities' data protection advisers (also often called DPO after the English term Data Protection Officer), including the data protection adviser's tasks, resources, professional qualifications and data subjects' access to the data protection adviser.

One group of supervisors focused on municipalities that shared data protection adviser with other municipalities, including Fredensborg Municipality, which the decision below is about. The second group of supervisors focused on municipalities that had purchased the service from a law firm.

The Danish Data Protection Agency found that the municipalities' solutions for the use of data protection advisers were within the framework of the Data Protection Ordinance.

It is the Data Inspectorate's opinion that the data controller and the data processor themselves are closest to assessing how the practical part of the collaboration with the data protection adviser should be implemented, so that the collaboration can take place most efficiently and appropriately in the organization. The data controller and the data processor can therefore to a large extent organize the practical part of the cooperation with the data protection adviser, as long as this takes place within the framework of Chapter 4 of the Data Protection Regulation.

Decision

Fredensborg Municipality was among the authorities that the Danish Data Protection Agency had selected for supervision in 2019. The Danish Data Protection Agency's planned audit focused on the data protection adviser's professional qualifications, resources and tasks. In this connection, the Danish Data Protection Agency notes that data protection advisers are not personally liable in the event of non-compliance with the Data Protection Regulation. The responsibility for compliance with the

data protection rules - including the rules regarding requirements for data protection advisers - lies with the data controller and the data processor (in the present case, Fredensborg Municipality).

In accordance with the obligation laid down in Article 37 (2) of the Data Protection Regulation 7, Fredensborg Municipality has prior to the audit notified the Danish Data Protection Agency that two external persons handle the role of data protection adviser for the municipality.

The Danish Data Protection Agency has noted that the two persons are associated with the municipality as data protection advisers on individual employment contracts. The Danish Data Protection Agency has also noted that the two persons are affiliated with the North Zealand Digitization Co-operation, which is a co-operation between Fredensborg Municipality, Gribskov Municipality, Frederikksund Municipality, Helsingør Municipality, Hillerød Municipality, Hørsholm Municipality and Halsnæs Municipality, and that the two persons otherwise act as data protection advisers for all the municipalities concerned.

For the purpose of the inspection, Fredensborg Municipality submitted a completed questionnaire and the municipality's contract with the two persons on 28 June 2019. Furthermore, on 12 November 2019, the municipality submitted a supplementary statement with appendices to the Danish Data Protection Agency.

On the basis of the circumstances examined, the Danish Data Protection Agency finds that Fredensborg Municipality's use of external data protection advisers is within the framework of the Data Protection Ordinance. In this connection, the Danish Data Protection Agency has noted the following:

That Fredensborg Municipality has appointed two external data protection advisers to handle the role, and that their function is performed on the basis of a service contract.

That Fredensborg Municipality's data protection advisers have the necessary professional qualifications to carry out the role, cf. Article 37 (1) of the Data Protection Ordinance. 5.

That Fredensborg Municipality in accordance with Article 38 (1) of the Data Protection Ordinance 1, has ensured that data protection advisers are adequately and timely involved in all matters relating to the protection of personal data.

That Fredensborg Municipality provides the resources necessary for the data protection advisers to be able to carry out the tasks mentioned in Article 39, cf. Article 38 (1) of the Data Protection Ordinance. 2.

To be registered in Fredensborg Municipality in accordance with Article 38 (1) of the Data Protection Ordinance. 4 may contact data protection advisers regarding any issues concerning the processing of their information and the exercise of their rights

under the Data Protection Regulation.

That Fredensborg Municipality's data protection advisers in accordance with Article 39, para. 1, letter a, to the extent necessary, informs and advises Fredensborg Municipality and employees in the municipality about their obligations under the Data Protection Ordinance.

That Fredensborg Municipality in accordance with the Data Protection Ordinance Article 39, para. 1, letter b, has ensured that the data protection advisers monitor the municipality's compliance with the data protection law rules.

Below is a more detailed review of the Danish Data Protection Agency's conclusions.

1. Position of the Data Protection Adviser

It is clear from Article 37 (1) of the Data Protection Regulation 6, that the data protection adviser may be the data controller's or data processor's employee or perform the task on the basis of a service contract.

Data controllers and data processors, including public authorities, thus have the option - instead of having an internal employee to take on the role of data protection adviser - of choosing to have the data protection adviser's function exercised on the basis of a service contract concluded with a person or organization outside the data controller. or the data processor's organization.

From the submitted material, it appears that the data protection advisers are employed full time. It also appears that the function is exercised in seven partner municipalities (Fredensborg Municipality, Frederikssund Municipality, Gribskov Municipality, Helsingør Municipality, Hillerød Municipality, Hørsholm Municipality and Halsnæs Municipality). The tasks for each municipality are handled on an ongoing basis, and thus no specific days are set aside for each municipality.

It also appears that the data protection advisers are assisted by the municipality's employee, who has the task of anchoring the work with data protection in the organization, and that the practical work of implementing the regulation's requirements is anchored in the municipality's administrative units.

In addition, the Danish Data Protection Agency has noted that the municipality has submitted two independent contracts with the two external data protection advisers and thus not an organization as such. On that basis, the Danish Data Protection Agency has understood the contractual relationship in such a way that the two persons on an equal footing handle the role of data protection adviser.

The Danish Data Protection Agency is of the opinion that in the present case this construction is in accordance with the rules

on the appointment of a data protection adviser in Article 37 of the Data Protection Regulation.

In the specific case, the Danish Data Protection Agency has emphasized that the two persons, based on the information provided, collaborate on the function as data protection adviser, and that they each contribute with independent competencies that complement each other in the task solution, thus ensuring a qualified performance of the function. data protection adviser at the municipality.

However, in the opinion of the Data Inspectorate, it does not appear from the submitted material whether the municipality has a primary contact person who is the primary person responsible for the contractual relationship, just as it does not appear whether there is a fixed role distribution in relation to the tasks.

The data protection law rules contain an obligation for public authorities to appoint a data protection adviser, however, with the possibility that an organization can also be appointed to perform the role. In such cases, the Danish Data Protection Agency recommends that there is a clear distribution of tasks in the organization, and that a person be appointed who is overall responsible and acts as a contact person for the public authority.

Against this background, the Danish Data Protection Agency recommends that the municipality - to the extent that this is not already the case - establish a clear division of roles between the data protection advisers in relation to the tasks, and that the municipality appoint one of the data protection advisers as the primary responsible person.

It is also the Data Inspectorate's opinion that the data controller and the data processor himself are closest to assessing how the practical part of the collaboration with the data protection adviser should be implemented so that the collaboration can take place most efficiently and appropriately in the organization. The data controller and the data processor can therefore to a large extent organize the practical part of the cooperation with the data protection adviser, as long as this takes place within the framework of Chapter 4 of the Data Protection Regulation. the data processor's organization and should, as a minimum, assist in the implementation of key elements of the Data Protection Regulation. This can be done, for example, in the form of concrete advice from a selected group of employees in the data controller's or data processor's organization, who is subsequently responsible for the practical implementation provided that the data protection consultant exercises the necessary control over the organization's compliance.

The expertise and professional qualifications of the Data Protection Advisor

According to Article 37 (1) of the Data Protection Regulation 5, the Data Protection Adviser shall be appointed on the basis of

his professional qualifications, in particular expertise in data protection law and practice and the ability to perform the tasks referred to in Article 39.

In the specific case, the municipality has organized the contractual relationship with the data protection advisers so that the two persons collaborate to a large extent on the role and thereby let their competencies complement each other. In this way, the individual skills and strengths of data protection consultants can be combined. One is a trained lawyer and has experience with the data protection law rules. The other has trained in administration and data protection with a special focus on IT and has had one and a half years of experience in implementing the data protection law rules in two different organizations. According to the data protection advisers' prior knowledge of the municipality's organization and the processing activities carried out by the municipality, the municipality has stated that the data protection advisers only had a basic knowledge of the municipal organizational structure and its functions, including general processing activities, but that the data protection advisers did not have knowledge of the municipality's organization and treatment activities. The data protection advisers have also not had a solid knowledge of administrative rules and procedures in the municipality, but only a general knowledge of administrative law rules.

However, the municipality has stated that the municipality has ensured the data protection adviser's knowledge of administrative rules and procedures in the municipality by allowing the data protection adviser to participate in relevant courses, including general courses in relation to the processing of personal data in the public administration. In addition, data protection advisers are involved in cross-cutting working groups and networks of data protection advisers.

The Danish Data Protection Agency notes that the ability to perform the tasks incumbent on the data protection adviser must be seen in the context of his or her personal qualifications and knowledge as well as his or her position in the data controller's or data processor's organization. With regard to the professional qualifications required by Article 37 (1) of the Data Protection Regulation 5, in addition to an in-depth understanding of the data protection law rules, the data protection adviser should also have knowledge of information technology and data security as well as the protection needs of the data controller and the data processor. Furthermore, the data protection consultant should have a solid knowledge of administrative rules and procedures in the organization. The requirements for the data protection adviser's professional qualifications must thus be seen in connection with the data protection adviser's ability to promote a data protection culture within the organization [1].

On the basis of the information in the case, the Danish Data Protection Agency finds that the data protection advisers in the

specific case jointly have the necessary professional qualifications to handle the task as data protection adviser for the municipality, and that the municipality thus complies with the requirement in Article 37 (1). 5.

In this connection, the Danish Data Protection Agency has emphasized that the data protection advisers, in combination, have relevant educational and professional experience in the field of data protection law and information technology.

The Danish Data Protection Agency has also emphasized the fact that the data protection advisers generally - before joining - had knowledge of the municipalities' organization and the administrative rules and processing activities that are characteristic of municipalities, and that the municipality has involved the data protection advisers in cross-cutting working groups and networks for data protection advisers. just as the municipality has registered the data protection advisers with relevant general courses in relation to public administration and the processing of personal data in the public administration.

However, the Danish Data Protection Agency should note that if a data protection adviser does not have prior concrete knowledge of the organization in question upon accession, the data controller or data processor should ensure such knowledge in immediate continuation of the data protection adviser's accession, for example in start-up meetings or information material.

Involvement of the Data Protection Advisor

Article 38 (1) of the Data Protection Regulation 1, requires that the data controller and the data processor ensure that the data protection adviser is sufficiently and timely involved in all matters concerning the protection of personal data.

It appears from the case that the municipality's information security coordinator is the primary link that ensures the data protection advisers' involvement in issues of a data protection law nature, and that the data protection advisers are in close dialogue with it, among other things in connection with information about breaches of personal data security. In addition, the municipality holds a meeting every 4 weeks between the data protection advisers, the information security coordinator and the IT manager. The data protection advisers finally participate in relevant working groups.

It is the Data Inspectorate's opinion that the data protection adviser must be involved in all the considerations and assessments that it is assumed that the data controller or data processor has made and made in order to comply with the data protection law rules. This implies, among other things, that the data protection adviser should be involved in considerations regarding compliance with the data subjects' rights and the determination of appropriate security measures. The data protection adviser must be involved in as good a time as possible and relevant, prior to initiating processing activities.

After a review of the case information, it is the Data Inspectorate's assessment that the municipality's data protection advisers are involved sufficiently and in a timely manner in all issues concerning data protection.

The Danish Data Protection Agency has placed special emphasis on the data protection advisers regularly and regularly participating in relevant meetings with the municipality, and that the data protection advisers are in constant dialogue with the information security coordinator, who ensures that the data protection advisers are involved in data protection law matters.

On the basis of the above, the Danish Data Protection Agency finds that Fredensborg Municipality complies with the requirement in Article 38 (1) of the Data Protection Ordinance. 1.

4. Resources of the Data Protection Advisor

Article 38 (1) of the Data Protection Regulation Article 2 (2) states that the Data Controller and the Data Processor shall assist the Data Protection Officer in carrying out the tasks referred to in Article 39 by providing the resources necessary for performing those tasks and maintaining the Data Protection Officer's expertise, as well as access to personal data and processing activities.

The provision implies that the data controller and the data processor must make the necessary facilities and work tools, financial resources, personnel resources and the like available to the data protection adviser. The data protection adviser must also have enough time for the tasks. If the data protection adviser also has other tasks and obligations, these tasks must not exceed the time required to perform the tasks as a data protection adviser.

The determination of the amount of resources required depends on the organizational conditions of the data controller and the data processor, including the size of the data controller's or data processor's organization, the number of processing activities, the scope of each processing activity, including the number of data subjects and categories. as well as the complexity of and the risks associated with these treatment activities.

It appears from the case that with regard to resources, the municipality makes, among other things, office facilities, resources in relation to the purchase of relevant literature, participation in courses and networks and electric cars for transport between the municipalities available to the data protection advisers. In addition, the data protection advisers have the opportunity to spar with staff in the municipality.

After a review of the case information, the Danish Data Protection Agency finds that Fredensborg Municipality complies with the requirement in Article 38 (1) of the Data Protection Ordinance. 2.

The Danish Data Protection Agency has emphasized that the resources provided are suitable for supporting the data protection advisers in their work, and that the data protection advisers have the opportunity to spar with staff in the municipality in connection with the performance of their work.

Furthermore, the Danish Data Protection Agency has emphasized that the seven municipalities - in which the data protection advisers perform the role - are part of the North Zealand Digitization Cooperation, and that the tasks that the data protection advisers perform for the municipalities must thus be assumed to have significant comparability. The data protection advisers must hereby be assumed to a not insignificant extent to have the opportunity - in the performance of the task in one co-operation municipality - to draw on their experience from the performance of a similar task in another co-operation municipality.

Against this background, the Danish Data Protection Agency in the present case cannot rule out that the municipalities and the data protection advisers have organized themselves in a way whereby the data protection advisers have sufficient time available to carry out their tasks in the individual cooperating municipalities.

Regardless of the fact that the data protection advisers thus take on the role in several different municipalities, it is thus the Data Inspectorate's assessment that the data protection advisers are provided with the necessary resources and otherwise have enough time to carry out their work, cf. 2.

5. The data subject's contact to the data protection adviser

Article 38 (1) of the Data Protection Regulation 4, requires that data subjects be able to contact the Data Protection Adviser regarding all matters concerning the processing of their information and the exercise of their rights under the Data Protection Regulation.

It appears from the case that the municipality has made the data protection advisers' contact information available on the municipality's website. In addition, the municipality provides the registered information about the data protection advisers' contact information in connection with the municipality's compliance with the duty to provide information. The data protection advisers can be contacted via secure digital mail, and it is similarly possible to get in touch by telephone with the data protection advisers. The inquiries are answered continuously throughout the working hours, and thus there is no specified period of time during which the data subjects can contact the data protection advisers. The data subjects typically receive a confirmation of their inquiry within a working week, and this is only in a few cases where the response time has been extended,

due to the complexity of the case.

In case of possible peak situations, where many data subjects want to get in touch with the data protection advisers, the municipality has stated that this task will be put as a first priority so that all data subjects can be guided within a reasonable time. In this situation, the data protection advisers will be assisted by professionally relevant staff.

On the basis of the information provided by Fredensborg Municipality about the data subject's contact with the data protection advisers, the Danish Data Protection Agency can state that it is possible for data subjects in the municipality to contact the data protection advisers in accordance with Article 38 (1) of the Data Protection Ordinance. 4.

6. Informing and advising the municipality and the municipality's employees

It follows from Article 39 (1) of the Data Protection Regulation Article 1 (1) (a) provides that the data protection adviser is responsible for informing and advising the controller or processor and the staff processing personal data of their obligations under the Data Protection Regulation and other Union or national law of the Member States on data protection. In doing so, the data protection adviser shall take due account of the risk associated with processing activities, taking into account the nature, scope, coherence and purpose of the processing in question, in accordance with Article 39 (2). 2.

Article 39 (1) of the Data Protection Regulation Article 38 (1) (a) must be read in conjunction with Article 38 (1). 1, according to which the data controller ensures that the data protection adviser is involved sufficiently and in a timely manner in all matters concerning the protection of personal data.

Article 39, para. 1, letter a implies, in the opinion of the Danish Data Protection Agency, that the data protection adviser must to the necessary extent be available to the organization and the organisation's employees in order to be able to provide the necessary advice. It is thus required that the data protection adviser is available to the organization and the employees.

With regard to external data protection advisers, who take on the role of several different organizations, special consideration should be given to the fact that the data protection adviser is able to be available to the individual organization despite the appointment of several organizations.

As part of this supervision, the Danish Data Protection Agency has therefore also had a special focus on whether the data protection advisers are available to the municipality's employees (section 6.1) and the municipality (section 6.2), and whether the data protection advisers assist the municipality in implementing key elements in the data protection regulation. .

6.1. Employees

The municipality has stated that the municipality's employees generally have the opportunity to contact the municipality's data protection advisers in relation to the processing of personal data. In this connection, all employees have the opportunity to contact the data protection advisers directly, but will in practice initially contact the local information security coordinator. It is the Data Inspectorate's opinion that data controllers and data processors themselves are closest to assessing how the collaboration with the data protection adviser can be implemented most appropriately in the organization. It is possible and in some cases an advantage to have employees assist the data protection adviser. In relation to employee inquiries, for example, there may be cases where, for organizational reasons, it may be advantageous to have staff - who otherwise assist the data protection adviser - assist the data protection adviser if the employees in question are qualified for this. However, there must be a real possibility that employees can contact the data protection adviser when the situation requires it. In this connection, the Danish Data Protection Agency has noted that the municipality has assessed that the information security coordinator is a professionally relevant employee, and the authority does not see any basis for overriding this assessment. The Danish Data Protection Agency has also noted that employees actually have the opportunity to contact the data protection advisers when the situation requires it.

6.2. The local authority

It appears from the case that the data protection advisers are actively involved in the implementation of the data protection regulation. The data protection advisers have i.a. participated in working groups on the handling of data processor agreements, the establishment of procedures in the event of breaches of personal data security and proposals for annual cycles for tasks within data protection. The data protection advisers also participate in the preparation and design of information campaigns and guidelines. In practice, however, the municipality has organized itself by having the tasks performed by the municipalities themselves.

The Danish Data Protection Agency is of the opinion that the data protection adviser plays a central role in promoting a data protection culture within the data controller's and data processor's organization, but that it is only a requirement that the data protection adviser assists with the implementation of key elements in the data protection regulation. The concrete and practical task in connection with the implementation of the initiatives can thus be delegated to staff who are qualified for this. In this connection, the Danish Data Protection Agency must emphasize that the data controller and the data processor are closest to assessing how the practical part of the collaboration with the data protection consultant can take place most efficiently and

appropriately in the organization. Data controllers and data processors can therefore to a large extent organize the practical part of the collaboration with their data protection adviser, as long as this takes place within the framework of Chapter 4 of the Data Protection Regulation. these employees pass on the content of the training to the other employees in the organization and carry out the practical preparation of guidelines, etc.

6.3. Summary

On the basis of the above, it is the Data Inspectorate's assessment that Fredensborg Municipality complies with the requirement in Article 39 (1) of the Data Protection Ordinance. 1, letter a.

7. Monitoring compliance with data protection law rules

It follows from Article 39 (1) of the Data Protection Regulation Article 1 (1) (b) states that the Data Protection Adviser is responsible for monitoring compliance with the Data Protection Regulation, other EU or national law of the Member States on data protection and the data controller's or data processor's policies on the protection of personal data, including responsibilities, information campaigns and training. staff involved in treatment activities and the associated audits. In doing so, the data protection adviser shall take due account of the risk associated with processing activities, taking into account the nature, scope, coherence and purpose of the processing in question, in accordance with Article 39 (2). 2.

The Danish Data Protection Agency notes that as part of these tasks in monitoring compliance with data protection law rules, the data protection adviser must in particular collect information that identifies data processing activities, analyze and check data processing activities' compliance with the regulations and inform, advise and correct recommendations to the data controller [or data controller] .

7.1.

The municipality has stated that status meetings are held every or every other month with the data protection advisers and selected employees in the municipality.

At the meetings, a number of important points are reviewed in relation to the municipality's compliance with the data protection rules, including a discussion of the municipality's list, IT systems, the municipality's guidelines and procedures and measures that the municipality has implemented in connection with awareness training. At the meetings, current issues that have arisen are also reviewed.

In the event of a security breach, a selected employee will contact the data protection advisers to discuss the incident. The

security incident is also registered on a comprehensive overview of security incidents with the municipality, and the data protection advisers regularly review the forms.

The municipality has also noted that the data protection advisers otherwise gain insight into the municipality's compliance with the data protection rules through ongoing advice to the municipality's employees, by assessing the municipality's data protection issues, sparring with the municipality's lawyers and information security coordinator and by preparing notes, guidelines and guidelines etc.

In relation to unplanned inspections, the municipality has stated that the municipality does not make use of this. However, the municipality is preparing a plan for further supervision and control, including random checks. The municipality has also set up a working group with a view to gaining a more formalized approach to internal considerations in addition to the monitoring carried out by the data protection advisers.

The municipality has further stated that the data protection advisers in the event that the data protection advisers can ascertain that there is a lack of compliance with the data protection rules, without undue delay contact the municipality about the established situation. The data protection advisers then advise and guide the municipality, so that any errors and deficiencies are rectified, including in the future.

In addition, the municipality has stated that the data protection advisers submit a report every year to the municipality's management and city council on the municipality's compliance with the data protection rules.

7.2.

The Danish Data Protection Agency considers that the requirement to monitor compliance with the data protection law rules in Article 39 (1) 1, letter b must be seen in connection with the data protection adviser must have knowledge of the processing activities that take place in the organization. The data protection adviser may hereby notify the data controller or data processor in the event that the data protection adviser finds a non-compliance with the rules with a view to correcting the error. The data protection adviser can, among other things, ensure such lasting knowledge and overview of the data controller's or data processor's organization at regular meetings, quality checks of guidelines and standard templates, reporting, random checks, etc.

At the same time, the Data Inspectorate is of the opinion that the data protection adviser's contact with the data subjects and guidance generally support the data protection adviser's task of monitoring compliance with the data protection law rules, cf.

Article 39 (1). 1, letter b. In contact with the data subjects, the data protection adviser may be made aware of treatments that do not comply with the rules or procedures that do not work as intended.

It is also the opinion of the Danish Data Protection Agency that the checks that the data protection adviser must carry out on the data controller or data processor pursuant to Article 39 (1) of the Data Protection Regulation. 1, letter b, depends on the internally chosen organization of the tasks of the data protection adviser. If the organization to a greater extent leaves the specific execution of tasks to employees other than the data protection adviser, the Danish Data Protection Agency is of the opinion that the data protection adviser should in principle have a greater degree of control over how these tasks are designed and whether this is done in accordance with data protection law. rules.

After a review of what was stated by Fredensborg Municipality, it is the Data Inspectorate's assessment that the municipality's data protection advisers carry out the necessary control of the municipality's processing activities in accordance with Article 39 (1) of the Data Protection Ordinance. 1, letter b.

In this connection, the Danish Data Protection Agency has emphasized the information that the data protection advisers are responsible for advising the data subjects, and thereby become aware of a possible non-compliance with the rules, and that the data protection advisers also have the opportunity to handle employee inquiries and sparring with the municipality's lawyers and information security coordinator. to be made aware of the municipality's non-compliance with the data protection law rules.

The Danish Data Protection Agency has also emphasized that the data protection advisers are involved in the preparation of guidelines, guidelines and information campaigns in the municipality, and through this also have the opportunity to monitor the municipality's compliance with the data protection law rules. Furthermore, the Danish Data Protection Agency has emphasized the information that status meetings are held regularly between the data protection advisers and employees in the municipality, and that the data protection advisers are contacted in the event of a security breach. Finally, the Danish Data Protection Agency has emphasized the information that the data protection advisers contact the municipality without undue delay in the event that it is established that there is a non-compliance with the rules.

The Danish Data Protection Agency has also noted the information that the municipality is working on a plan for further supervision and control of compliance with the regulation, including random checks.

8. Conclusion

On the basis of the circumstances examined, the Danish Data Protection Agency finds that Fredensborg Municipality's use of external data protection advisers is within the framework of the Data Protection Ordinance. In this connection, the Danish Data Protection Agency has noted the following:

1. That Fredensborg Municipality has appointed two external data protection advisers to carry out the role, and that their function is performed on the basis of a service contract.
2. That Fredensborg Municipality's data protection advisers have the necessary professional qualifications to carry out the role, cf. Article 37 (1) of the Data Protection Regulation. 5.

That Fredensborg Municipality in accordance with the Data Protection Ordinance Article 38, paragraph. 1, has ensured that data protection advisers are adequately and timely involved in all matters relating to the protection of personal data.

That Fredensborg Municipality provides the resources necessary for the data protection advisers to carry out the tasks mentioned in Article 39, cf. Article 38 (1) of the Data Protection Ordinance. 2.

That registered in Fredensborg Municipality in accordance with the Data Protection Ordinance Article 38, paragraph. 4, may contact the data protection advisers regarding any issues concerning the processing of their information and the exercise of their rights under the Data Protection Regulation.

That Fredensborg Municipality's data protection advisers in accordance with Article 39, para. 1, letter a to the extent necessary, informs and advises Fredensborg Municipality and employees in the municipality about their obligations under the Data Protection Ordinance.

7. That Fredensborg Municipality in accordance with the Data Protection Ordinance Article 39, paragraph. 1, letter b, has ensured that the data protection advisers monitor the municipality's compliance with the data protection law rules.

[1] Article 29 Working Party Guidelines on Data Protection Advisers, adopted on 13 December 2016, last revised and adopted on 5 April 2017, pp. 12 and 24. [2] Article 29 Working Party Guidelines on Data Protection Advisers, adopted on 13 December 2016, last revised and adopted on 5 April 2017, p. 18

Appendix: Relevant legal rules

Annex - Relevant legal rules in Chapter 4 of the Data Protection Regulation

Article 37

Appointment of a data protection adviser

The Data Controller and Data Processor shall always appoint a Data Protection Adviser when:

- (a) proceedings are conducted by a public authority or body, with the exception of courts acting in their capacity as courts;
- (b) the core activities of the controller or processor consist of processing activities which, by virtue of their nature, scope and / or purpose, require regular and systematic monitoring of data subjects on a large scale; or
- (c) the core activities of the data controller or processor shall consist of a large - scale processing of specific categories of information referred to in Article 9 and personal data relating to criminal offenses and offenses referred to in Article 10.

A group may appoint a common data protection adviser, provided that all establishments have easy access to the data protection adviser.

If the controller or processor is a public authority or body, a joint data protection adviser may be appointed for several such authorities or bodies in accordance with their organizational structure and size.

4. In cases other than those in para. Or, where required by Union or national law of the Member States, the controller or processor or associations and other bodies representing categories of controllers or processors shall designate a data protection adviser. The Data Protection Adviser may act on behalf of such associations and other bodies representing data controllers or processors.

The Data Protection Adviser shall be appointed on the basis of his / her professional qualifications, in particular expertise in data protection law and practice, as well as his / her ability to carry out the tasks referred to in Article 39.

The data protection adviser may be the employee of the data controller or processor or may perform the task on the basis of a service contract.

7. The data controller or data processor shall publish the contact details of the data protection adviser and communicate them to the supervisory authority.

Article 38

The position of the Data Protection Adviser

The data controller and the data processor shall ensure that the data protection adviser is adequately and timely involved in all matters relating to the protection of personal data.

The Data Controller and the Data Processor shall assist the Data Protection Officer in carrying out the tasks referred to in Article 39 by providing the resources necessary for performing those tasks and maintaining the Data Protection Officer's

expertise, as well as access to personal data and processing activities.

The data controller and the data processor shall ensure that the data protection adviser does not receive instructions regarding the performance of these tasks. The person in question must not be dismissed or punished by the data controller or the data processor in order to perform his tasks. The data protection adviser reports directly to the top management level of the data controller or data processor.

Data subjects may contact the data protection adviser on any matter concerning the processing of their data and the exercise of their rights under this Regulation.

5. The Data Protection Adviser shall be bound by professional secrecy or confidentiality in the performance of his / her duties in accordance with Union or national law.

6. The Data Protection Advisor may perform other tasks and have other duties. The data controller or data processor ensures that such tasks and duties do not lead to a conflict of interest.

Article 39

Tasks of the Data Protection Advisor

The data protection adviser has at least the following tasks:

- (a) to inform and advise the controller or processor and the staff processing personal data of their obligations under this Regulation and other Union or national law of the Member States on data protection;
- (b) to monitor compliance with this Regulation, with other Union or national law of the Member States on data protection and with the data controller's or data processor's policies on the protection of personal data, including the allocation of responsibilities, information campaigns and the training of staff involved in processing activities; and the associated audits
- (c) to advise, when requested, on the impact assessment of data protection and to monitor its compliance in accordance with Article 35;
- (d) to cooperate with the supervisory authority
- (e) to act as the contact point of the supervisory authority in matters relating to processing, including the prior consultation referred to in Article 36, and to consult the supervisory authority, where appropriate, on any other matters.

2. In carrying out his duties, the Data Protection Adviser shall take due account of the risks associated with processing activities, taking into account the nature, scope, coherence and purpose of the processing in question.