

Criticism of Hovedstadens Emergency Management's inadequate rights management

Date: 22-03-2023

Decision

Public authorities

Criticism

Reported breach of personal data security

Treatment safety

Access control

Social Security number

The Danish Data Protection Authority has made a decision in a case where all users of the capital's emergency services ESDH system had access to contact information, including social security numbers and protected addresses, about former and current employees.

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Summary

Hovedstadens Beredskab I/S reported a breach of personal data security to the Danish Data Protection Authority in November 2022, as they themselves had established that all users of their ESDH system since the system was put into use in May 2022 had had access to the full names of current and former employees, social security numbers and addresses, including protected addresses.

Hovedstadens Beredskab stated that the contact information is used in connection with the journaling of personnel matters. According to Hovedstadens Beredskab, access to the information in question should have been differentiated so that they could designate which employees have a work-related need to work with the information, and so that only these employees were granted access to it. However, Hovedstadens Emergency Services and their supplier had not been aware of the lack of opportunity to differentiate access rights to the information in question.

In its decision to express criticism, the Norwegian Data Protection Authority has placed particular emphasis on the fact that all users of the ESDH system, since the system was put into use, have had access to contact information, which also contained confidential information about protected addresses and social security numbers, about 2,029 current and former employees,

even if it was only employees in Hovedstadens Beredskab's HR department who needed such access.

Decision

The Danish Data Protection Authority hereby returns to the case where Hovedstadens Beredskab I/S reported a breach of personal data security to the Danish Data Protection Authority on 26 November 2022. The report has the following reference number:

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1. Decision

After a review of the case, the Danish Data Protection Authority finds that there is a basis for expressing criticism that Hovedstadens Beredskab I/S' processing of personal data has not taken place in accordance with the rules in the data protection regulation[1] article 32, subsection 1.

Below follows a closer review of the case and a rationale for the Data Protection Authority's decision.

2. Case presentation

On 26 November 2022, Hovedstadens Beredskab I/S reported a breach of personal data security to the Norwegian Data Protection Authority.

It appears from the notification that all users of Hovedstadens Beredskab I/S' ESDH system since the system was put into use on 30 May 2022 have had access to current and former employees' full names, social security numbers and addresses, including protected addresses. Hovedstadens Beredskab I/S has subsequently stated that there are 184 users at Hovedstadens Beredskab I/S, and that there are also 4 test users and 6 users at the supplier. In addition, Hovedstadens Beredskab I/S has stated that the ESDH system contains information on 2,029 current or former employees.

Hovedstadens Beredskab I/S has stated that the contact information of current and former employees is used in connection with the journaling of personnel cases, where the HR department creates individual cases and assigns the employees as parties to the case. After a closer investigation, Hovedstadens Beredskab I/S has established that 6 users who have accessed information about current or former employees did not have a work-related need to access the information.

According to Hovedstadens Beredskab I/S, access to the contact information about current and former employees should have been differentiated so that Hovedstadens Beredskab I/S could designate which employees have a work-related need to work with the information. Hovedstadens Beredskab I/S has stated in this connection that Hovedstadens Beredskab I/S and their

supplier have not been aware of the lack of differentiation in access rights to the ESDH contact register, which contains information about current and former employees.

It also appears from the case that users of the system still have access to information about current and former employees' social security numbers and names. In this connection, Hovedstadens Beredskab I/S has stated that the social security numbers are anonymised in the search results, so that it is only possible to see the date of birth. However, it is possible to access further information by clicking on a search result, whereby the contact (master card) itself is displayed. It is still possible to see social security numbers on the identity card. However, the residential addresses of current and former employees are no longer available in the ESDH system, and "No" has been marked for all the contacts in the fields where it must be stated whether a contact has name and address protection.

Finally, it appears from the case that Hovedstadens Beredskab I/S' supplier plans to implement a solution in the system where it is possible via the system's authorization system to ensure that only authorized users can search for personal data in the ESDH contact register. Hovedstadens Beredskab I/S has further stated that it will be possible to authorize users at six levels, which correspond to their work-related needs. Hovedstadens Beredskab I/S is currently conducting an analysis of how many and which types of users at Hovedstadens Beredskab I/S and the supplier have a work-related need for access to the relevant information about current and former employees.

Hovedstadens Beredskab I/S has stated in this connection that the change in the system is expected to be put into operation on 18 April 2023. This is because the supplier can deliver a release with the changed authorization functionality at the end of March at the earliest, after which the release must be installed at Hovedstadens Beredskab I/S in their test system and then in production. In the period up to 18 April 2023, Hovedstadens Beredskab I/S will continuously check logs of incidents in the master cards, and the affected registered persons whose information has been accessed by users of the ESDH system will be continuously notified.

3. Reason for the Data Protection Authority's decision

On the basis of the information provided by Hovedstadens Beredskab I/S on 26 November 2022, 12 December 2022, 18 January 2023 and 2 March 2023, the Danish Data Protection Authority assumes that since 30 May 2022 it has been possible for all users of their ESDH system to access current and former employees' names, social security numbers and addresses, including protected addresses.

The Danish Data Protection Authority also assumes that until 18 April 2023 it will still be possible for users of the ESDH system to access information about the names and social security numbers of current and former employees.

3.1. Article 32 of the Data Protection Regulation

It follows from the data protection regulation article 32, subsection 1, that the data controller must take appropriate technical and organizational measures to ensure a level of security appropriate to the risks involved in the data controller's processing of personal data.

The data controller thus has a duty to identify the risks that the data controller's processing poses to the data subjects and to ensure that appropriate security measures are introduced to protect the data subjects against these risks.

The Danish Data Protection Authority is of the opinion that the requirement cf. Article 32 for adequate security will normally mean that user access to systems is limited to the personal data that is necessary for the work-related needs of the users in question.

Based on the above background, the Danish Data Protection Authority finds grounds for expressing criticism that Hovedstadens Beredskab - by not having ensured differentiated user access to former and current employees' contact information in the ESDH system, so that it is possible to designate the users who have a work-related need for access to the information in question – has not taken appropriate organizational and technical measures to ensure a level of security that matches the risks involved in Hovedstadens Beredskab I/S processing of personal data, cf. the data protection regulation, article 32, subsection 1.

The Danish Data Protection Authority has thereby emphasized that all users of the ESDH system since the system was put into use on 30 May 2022 have had access to, among other things, confidential information about 2,029 current or former employees at Hovedstaden Beredskab I/S, and that only employees in Hovedstaden Beredskab I/S's HR department need access to the information in question.

The Danish Data Protection Authority has noted that Hovedstadens Beredskab I/S expects a change to the system to be put into operation on 18 April 2023, when it is possible via the system's authorization system to ensure that only authorized users can search for personal data on current and former employees.

The Danish Data Protection Authority has also noted that, in the period up to 18 April 2023, Hovedstadens Beredskab I/S will check logs of incidents in the master cards on an ongoing basis, and that the affected registrants will be notified on an ongoing

basis if their information has been accessed by users of ESDH -the system.

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free exchange of such data and on the repeal of Directive 95/46/EC (general regulation on data protection).