

The Institute of Registries and Notaries, I.P. (IRN), asked the National Commission for Data Protection (CNPd) issuance of an opinion on a protocol aimed at regulating the Loures Municipal Police (PML) access to the car registration.

The request is made under subparagraph d) of paragraph 2 of article 27-D and paragraphs 2, 3 and 7 of article 27-E of the Motor Vehicle Registration<sup>1</sup>.

The IRN, the Institute of Financial Management and Equipment of the Justice, I.P. (IGFEJ), and the PML.

Under the terms of Clause 1 of the protocol, PML is authorized to access information vehicle registration by consulting the respective database online, located at IGFEJ, for the exclusive purpose of pursuing its competence legal, within the scope of monitoring compliance with the provisions of the Code of road and others complementary legislation, on public roads, including parking, under the jurisdiction of the Municipality of Loures.

For the purpose indicated above, the following personal data are accessed: name, habitual residence, identification document number and date and identification number tax identification, when available, or firm, registered office and corporate number, of the owner, lessee or usufructuary, as well as the encumbrances or charges.

Accesses to the database, which are registered in the system for two years, in order to allow audits to be carried out, are carried out by vehicle registration and must compulsorily identify the number of the case or the report to which respect, without which research will not be able to proceed (cf. Clause 2).

Access is carried out through two types of channels, alternative, in both cases with

implementation of IPSEC tunnels, to ensure data confidentiality

personal.

Pursuant to Clause 3 of the protocol, PML undertakes to comply with the provisions

legal provisions on the protection of personal data contained in Regulation (EU)

2016/679, of April 27, 2016, General Regulation on Data Protection

(RGPD), and Law no. 58/2019, of 8 August, in particular with regard

for the purpose, not using the information for other purposes, not transmitting the

information to third parties, nor making any interconnection of personal data and the

adopt the necessary security measures.

1 Decree-Law No. 54/75, of 12 February, last amended by Decree-Law No. 111/2019, of 16 February

August.

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In the same Clause (nº 3) the possibility of PML subcontracting

third-party entities for the execution of this protocol, being bound to ensure

compliance and establishment of all technical and organizational measures

necessary to maintain the security of personal data against any access

illegal or unauthorized treatment, ensure that the persons involved are

subject to confidentiality and to inform the IRN of all information

necessary to demonstrate compliance with the obligations under the GDPR,

including, facilitating and contributing to audits and inspections, conducted by the IRN,

or by another auditor appointed by this auditor.

Also under the terms of the protocol, PML undertakes to previously communicate to the IRN the

identification of users of access to the database, by indicating the

name, category/function and NIF with a view to assigning credentials to

connection to the system, and each user will receive, in a closed letter, a

personal password, which will make you responsible for your use of the service. THE IGFEJ will assign an application user and respective password to PML to access the available web services.

## I. Appreciation

The possibility for PML to access the car registration derives from the provisions conjugated to articles 4, no. 1, subparagraph b), and 5, no. 1 of Law no. 19/2004, of 20 May, (Municipal Police Law) with subparagraph d) of paragraph 1 and subparagraph a) of paragraph 3 of the article 5 of Decree-law no. 44/2005, of 27 February, lastly amended by the Decree-Law no. 146/2014, of 9 October, which confers competence on the police municipal authorities for the inspection of compliance with the rules of the Highway Code and complementary legislation, territory of the respective one, on public roads under the jurisdiction of the City Council.

According to subparagraph d) of paragraph 2 of article 27-D of the Highway Code, the data details of the car registration must be communicated, for the pursuit of the respective attributions, to the entities responsible for supervising the Code of Road. Paragraphs 2 and 3 of article 27-E of the same diploma also allow the these entities are authorized to consult the data transmission line, provided that that security guarantees are observed and subject to the signing of a protocol.

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

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Article 27-H(4) of the Motor Vehicle Registration requires that entities with authority to consult that register maintain an up-to-date list of authorized persons to access the database. In this way, PML is obliged to keep this list, which must be updated in order to limit the possibility of

undue access by users who no longer have the legitimacy to access.

Naturally, this obligation derives from the law, but its transposition into

Clause 5 will have a potentiating effect on its compliance and will allow the

IRN, at any time, can determine to the IGFEJ that the access credentials

be deactivated.

The IGFEJ's intervention in this protocol stems from the attribution provided for in paragraph m)

of no. 2 of article 3 of Decree-Law no. 164/2012, of 31 July.

With regard to security measures, without prejudice to the need for

permanent verification of their compliance, they seem appropriate.

## II. Conclusion

Thus, with the above observations, the CNPD considers that there is no

impediment to the conclusion of the protocol.

Lisbon, April 17, 2020

Filipa Calvão (President, who reported)

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