

JobTeam fined

Date: 15-05-2020

Decision

Private companies

Police report

Complaint

Basic principles

The right to access

Exercise of rights

The Danish Data Protection Authority assesses that, in connection with a case concerning the right of access, JobTeam has not met the basic requirements of the General Data Protection Regulation (GDPR) that personal data must be processed legally, fairly and in a transparent manner.

JobTeam A/S has been reported to the police and fined DKK 50,000. The company had deleted personal data covered by a data subject's access request in the period after the request was made and before the company's response. The Danish Data Protection Authority became aware of the matter on the basis of a complaint.

Good data processing practices

"When a data controller deletes information about the citizen in direct connection to the fact that a request for access is not granted, the data controller wrongfully deprives the citizen of the opportunity to verify whether he or she has the right to access the information at the Data Protection Authority and the courts. It is a violation of the citizen's fundamental rights and is not an expression of good data processing practice," says Astrid Mavrogenis, head of office at the Data Protection Authority.

Recommendation for a fine

The Danish Data Protection Authority has decided to report JobTeam A/S to the police and recommends that a claim be made that the company be fined.

The Danish Data Protection Authority is of the opinion that a violation of the regulation's basic principles on processing security for a company in a case like this cannot be sanctioned with a lower fine than DKK 50,000, if the regulation's basic requirement that fines must be effective and have a deterrent effect effect, must also be observed. When setting the size of the fine, the

supervisory authority has also emphasized that the fine must be proportionate to the infringement.

In most European countries, the national data supervisors can themselves issue administrative fines, but the rules are different in e.g. Denmark.

Here it works in such a way that the Data Protection Authority reports the data controller to the police after clarifying and assessing the case. The police then investigate whether there is a basis for laying a charge, etc., and finally a possible fine will be decided by a court.

Do you want to know more?

You can read more about the right of access [here](#).

Press inquiries can be directed to communications consultant Anders Due - tel. 29 49 32 83 / email ad@datatilsynet.dk.