

Decision

Diariennr

2019-04-03

DI-2018-19920

Ert diariennr

2018-2523

The Coast Guard

Box 536

371 23 Karlskrona

Supervision according to the Criminal Data Act (2018: 1177) -

The Coast Guard's list of

treatments

The Data Inspectorate's decision

1.

The Data Inspectorate notes that the Coast Guard's list of

processing lacks contact information for the personal data controller and data protection officer according to ch. Section 3 of the Criminal Data Ordinance (2018: 1202).

The Data Inspectorate submits in accordance with ch. 7 § 2 of the Criminal Data Act The Coast Guard to state in the list of processing contact information for the person responsible for personal data and data protection officer, no later than 31 October 2019.

2. The Data Inspectorate finds that the Coast Guard's list of

treatments, for each category of treatment, they specify categories of

recipients to whom the information may be disclosed

according to ch. 3 § 4 of the Criminal Data Ordinance in an unclear manner.

The Data Inspectorate submits in accordance with ch. 7 § 2 of the Criminal Data Act Coast Guard that in the list of treatments, for each category

of processing, indicate the categories of recipients that the data can  
to be disclosed to in the manner set out in the explanatory memorandum thereto  
decision, no later than 31 October 2019.

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The Coast Guard is ordered to leave one no later than 31 October 2019

written report to the Data Inspectorate of the measures that the Coast Guard has taken in connection with the injunctions in  
points 1-2.

Report on the supervisory matter

On 17 October 2018, the Data Inspectorate began inspections of the Coast Guard  
in order to review the Coast Guard's list of treatments for  
personal data is in accordance with ch. Section 3 of the Criminal Data Ordinance.

The Data Inspectorate has in its review of the Coast Guard's list  
of treatments observed mainly the following. The list above  
treatments contain the following columns.

- Responsible,
- categories of officials having access,
- purposes in three different levels,
- name of treatment,
- legal basis,
- comment on the legal basis,

- categories of data subjects affected by the processing,
- categories of personal data that may be processed,
- categories of recipients to whom the information may be provided
- including third countries or international organizations,
- collections of transfers of personal data to third countries, or
- international organizations,
- if possible, deadlines for the duration of the categories of personal data
- may be treated,
- if possible, a general description of the security measures available
- taken as well
- use of profiling.

The Coast Guard has mainly stated the following. The columns "collections of transfers of personal data to third countries or international organizations" and "use of profiling" are empty. That means it does not occur.

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Justification of the decision

What the Data Inspectorate has to decide on

In the supervisory matter, the Data Inspectorate has to decide whether the Coast Guard's list of treatments meets the requirements of ch. Section 3 of the Criminal Data Ordinance.

Applicable regulations

On 1 August 2018, the Criminal Data Act came into force with a supplement provisions of the Criminal Data Regulation. The Criminal Data Act applies according to ch. § 2 for the processing of personal data performed for the purpose of

prevent, deter or detect criminal activity, investigate or prosecute crime or carry out criminal penalties. It also applies to treatment of personal data performed for the purpose of maintaining public order and security. In addition to the Criminal Data Act, the Coast Guard then applies on 1 January 2019 also the law (2018: 1695) on the Coast Guard's treatment of personal data within the area of the Criminal Data Act.

According to ch. Section 3 of the Criminal Data Ordinance shall be kept by the person responsible for personal data a list of the categories of personal data processing which he is responsible for. The list shall contain the name and contact details of the personal data controller, joint personal data controller and data protection officer. The list should also, for each category of treatment, include the following information:

1. the legal basis for the processing;
2. the purposes of the treatment;
3. the categories of officials who have access to the personal data treated,
4. the categories of recipients to whom the data may be disclosed; also in third countries or international organizations,
5. the categories of data subjects affected by the processing;
6. the categories of personal data that may be processed;
7. collections of transfers of personal data to third countries or international organizations,
8. use of profiling,
9. if possible, deadlines for how long the categories of personal data may be processed, and

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10. if possible, a general description of the security measures  
has been taken.

According to ch. Section 7 of the Criminal Data Act, the Data Inspectorate may use the corrective powers if it is established that personal data is processed in violation  
by law or other statute or that the person responsible for personal data or  
the personal data assistant in no other way fulfills his obligations.

The Coast Guard's list of treatments

The Coast Guard for a list according to ch. Section 3 of the Criminal Data Ordinance  
over the categories of processing of personal data by the authority  
responsible for according to the Criminal Data Act. For each category of treatment it should  
according to the provision, certain listed information is stated (paragraphs 1-10).

The Coast Guard's list of treatments includes for each category  
of treatment points 1-10. The Data Inspectorate has no comments  
regarding points 1-3 and 5-10.

Contact information

The Data Inspectorate's assessment

The Data Inspectorate states that the Coast Guard's list of treatments lacks contact information for the person responsible for  
personal data and data protection representatives.

The reasons for the Data Inspectorate's assessment are as follows

A list of treatments must, according to ch. Section 3 of the Criminal Data Ordinance  
contain the name and contact details of the personal data controller,  
joint personal data controllers and data protection officers.

The Coast Guard's list of treatments contains only the name  
on the personal data controller. The Data Inspectorate therefore finds that

The Coast Guard's list of treatments lacks contact information

the data controller and data protection officer. The inspection is included

for this reason found reason to use the corrective powers

i 5 kap. Section 7 of the Criminal Data Act.

The Data Inspectorate submits in accordance with ch. Section 7 2 of the Criminal Data Act The Coast Guard to enter contact

information in the list of treatments

the data controller and data protection officer.

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Item 4 - categories of recipients

The Data Inspectorate's assessment

The Data Inspectorate notes that the Coast Guard's list of

treatments, for each category of treatment, they specify categories of

recipients to whom the information may be disclosed in a vague manner.

The reasons for the Data Inspectorate's assessment are as follows

According to ch. § 4 of the Criminal Data Ordinance, a list of treatments, for each category of treatment, shall contain

information on the categories

of recipients to whom the information may be disclosed, including in third countries

or international organizations.

The Data Inspectorate has observed that for all categories of treatments,

except one, states: Internally, externally and to some extent also to third countries after

examination. The list does not specify the type of external receiver

referred to.

The preparatory work for the Criminal Data Act states that in the case of categories of

recipients, it may be sufficient to indicate the type of authority to which the personal data may be provided, for example

prosecutors or courts

(see SOU 2017: 29 p. 322). Due to what the Data Inspectorate considers

it appears from the preparatory work that it is not sufficient to state only "externally".

The Inspectorate therefore finds that the Coast Guard's list of

treatments, for each category of treatment, they specify categories of

recipients to whom the information may be disclosed in a vague manner.

Due to this, the inspectorate has found reasons to use them

the corrective powers in ch. 5 Section 7 of the Criminal Data Act.

The Data Inspectorate submits in accordance with ch. 7 § 2 of the Criminal Data Act Coast Guard that in the list of treatments,

for each category of

processing, clarify the categories of recipients that the data can

be released to. Examples of how recipients can be specified can be found in

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the preparatory work reproduced above.

This decision was made by unit manager Charlotte Waller Dahlberg after

presentation by the lawyer Maria Andersson.

Charlotte Waller Dahlberg

Maria Andersson

How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter i

the letter which decision you are appealing and the change you are requesting.

The appeal must have been received by the Data Inspectorate no later than three weeks from

the day the decision was announced. If the appeal has been received in due time

The Data Inspectorate forwards it to the Administrative Court in Stockholm

examination.

You can e-mail the appeal to the Data Inspectorate if it does not contain any privacy-sensitive personal data or data that may be covered by secrecy. The authority's contact information can be found on the first page of the decision.

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