

List of processing operations subject to a protection impact assessment

personal data of the Slovak Republic¹

List of processing operations subject to a protection impact assessment

personal data within the Slovak Republic (hereinafter referred to as the "list")

☐ serves to clarify Article 35 par. 1 of the General Data Protection Regulation²;

☐ it has a demonstrative character, therefore it is necessary to proceed from Article 35 par. 1

of the General Data Protection Regulation;

☐ is based on criteria issued by WP 29 in WP 2483 guidelines and opinion

EDPB no. 21/20184;

☐ its goal is to provide Slovak operators with a harmonized view of

processing of personal data that may have a cross-border dimension or impact

for the free movement of personal data of the persons concerned across the European Union;

☐ supplements and specifies the guidelines of WP 248;

☐ identifies 13 processing operations.

List of processing operations with personal data that are always subject to assessment

impact on data protection are the following:

1. Processing of biometric data of natural persons for the purposes of individual identification

of a natural person in conjunction with at least one criterion listed in the WP 248 guidelines.

2. Processing of genetic data of natural persons in connection with at least one criterion

mentioned in the WP 248 guidelines.

3. Processing of location data in connection with at least one criterion mentioned in

WP 248 guidelines.

If the processing according to Article 6 par. 1 letter c) or e) of the General Data Protection Regulation

the legal basis in Union law or in the law of the Member State to which the operator is subject, and this law

regulates a specific processing operation or a set of given operations, and an assessment of the impact on protection

data has already been carried out as part of a general impact assessment in connection with the adoption of this legal basis,

Art. 35 par. 1 to 7 of the General Data Protection Regulation do not apply, unless the Member States consider it is necessary to carry out such an assessment before starting the processing activities.

2 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons

in the processing of personal data and on the free movement of such data, which repeals Directive 95/46/EC (General Data Protection Regulation)

3 Guidelines WP 248 rev. 01 concerning the assessment of the impact on data protection and determining whether for the purposes of Regulation 2016/679 processing "likely to lead to a high risk" are available at this link:

[https://www.dataprotection.gov.sk/uouu/sites/default/files/usmernenia_tykajuce_sa_posudenia_vplyvu_on_data_protection_and_determination_of_that_processing_probably_will_lead_to_high_risk.pdf](https://www.dataprotection.gov.sk/uouu/sites/default/files/usmernenia_tykajuce_sa_posudenia_vplyvu_na_data_protection_and_determination_of_that_processing_probably_will_lead_to_high_risk.pdf)

4 Opinion 21/2018 on the proposed list of the relevant supervisory authority of Slovakia concerning processing operations that are subject to the requirement to assess the impact on personal data protection (Article 35(4) of the General Data Protection Regulation) is available at this link:

https://edpb.europa.eu/our-work-tools/our-documents/opinion-board-art-64/opinion-212018-slovakiasas-dpia-list_en (currently only in English).

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4. Processing operations carried out according to Art. 14 of the general regulation on protection data.

If the information that should be provided to the person concerned is the subject of an exception according to Art. 14 par. 5 letters b), c) and d) of the General Data Protection Regulation, the impact assessment is required only in conjunction with at least one criterion listed in the WP 248 guidelines.

5. Evaluation or awarding of points.

The purpose of the processing operation is to assess certain characteristics of the data subject, while its result affects the quality of the service or the possibility of providing it to the person concerned.

6. Credibility assessment.

The purpose of the processing operation is to assess the trustworthiness of the person concerned through a systematic assessment of personal data or personal assessment data on a large scale.

7. Assessment of solvency.

The purpose of the processing operation is to assess the solvency of the person concerned through a systematic assessment of personal data or personal assessment data on a large scale.

8. Profiling.

The purpose of the processing operation is profiling through systematic evaluation personal data, especially when it is based on the assessment of job performance characteristics, financial status, health status, personal preferences or interests, reliability or the behavior, residence or movement of the person concerned.

9. Monitoring of the employee's work on the basis of serious reasons resulting from special nature of the employer's activity (hereinafter referred to as "processing of personal data of employees monitoring").

Due to the special nature of the processing of personal data of employees through monitoring, which meets the criterion of processing data on vulnerable data subjects and the criterion systematic monitoring, as the two criteria listed in the WP 248 guideline, requires carrying out an impact assessment on personal data protection.

10. Processing of personal data for the purposes of scientific or historical research without the consent of the person concerned in connection with at least one of the mentioned criteria in the WP 248 guidelines.

11. Processing operations using new or innovative technologies in connection with at least one criterion listed in the WP 248 guidelines.

12. Systematic camera monitoring of public spaces (in individual cities, municipalities and carriers of urban and suburban public transport).

13. Monitoring of persons by private detectives, or security services.

Criteria according to the WP 248 guidelines that may be helpful in identification

cases in which processing operations are subject to the requirement of an impact assessment on

data protection⁵:

- ☐ rating or awarding points, including profiling and forecasting,
- ☐ automated decision-making with legal or similar binding effect,
- ☐ systematic monitoring,
- ☐ sensitive data or data of a very personal nature,
- ☐ data processed on a large scale,
- ☐ linking or combining data sets,
- ☐ data relating to vulnerable data subjects,
- ☐ innovative use or application of new technological or organizational

solutions

- ☐ the processing itself prevents the persons concerned from exercising their right or making use of it
- service or contract.

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Guidelines WP 248, p. 10-12