

## Supervision of Taxi 4x35's processing of personal data

Date: 18-03-2019

Decision

Private companies

Nearly 9 million person-attributable taxi journeys have been stored without a factual purpose, the Danish Data Protection Agency assesses.

Journal number: 2018-41-0016

### Summary

In the autumn of 2018, the Danish Data Protection Agency paid an inspection visit to Taxi 4x35, where, among other things, was looked at whether the taxi company has set deadlines for deleting customers' information - and whether the deadlines are complied with.

According to Taxa 4x35, the information used for the customer's ordering and settlement of taxi rides is anonymised after two years, as there is no longer a need to be able to identify the customer.

However, only the customer's name is deleted after the two years - but not the customer's phone number. Information about the customer's taxi journey (including collection and delivery addresses) can therefore still be attributed to a natural person via the telephone number, which is only deleted after five years.

The reason why the phone number is not deleted, according to the taxi company, is that the number is the key to the system's database and is therefore necessary in relation to the company's product and business development.

In the opinion of the Danish Data Protection Agency, however, a deletion period that is three years longer than necessary cannot be set simply because the company's system makes it difficult to comply with the rules in the Data Protection Regulation.

### Statement

The Data Inspectorate's planned inspection of Taxi 4x35 focused in particular on the deletion of personal data in accordance with Article 5 (1) of the Data Protection Regulation. 1, letter e.

At the request of the Danish Data Protection Agency, Taxa 4x35 had before the inspection visit filled in a questionnaire for each of the systems in which personal data is processed and submitted these together with additional material to the

inspection. The actual inspection visit took place on 3 October 2018.

On the basis of what the Danish Data Protection Agency has established in connection with the inspection visit, the Danish Data Protection Agency finds grounds for concluding in summary:

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation 1, letter e (storage restriction), as the company's procedure for anonymizing personal data is insufficient.

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation 1, letter c (data minimization), as the company's storage of customers' telephone numbers for 5 years has not been necessary in relation to the purposes for which they are stored.

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation Article 5 (2) 1, letter b, as the company has not unambiguously determined with what processing authority customers' telephone numbers have been stored for 5 years after driving a taxi ride.

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation Article 5 (2) 1, letter e, as the company has not sufficiently documented the deletions made in the systems and the company's procedures for this.

In relation to points 1 and 2, the Danish Data Protection Agency has today submitted a police report of Taxi 4x35 to the Copenhagen Police.

In addition, the Danish Data Protection Agency finds, in relation to points 3 and 4, overall grounds for expressing serious criticism that Taxa 4x35 has not complied with the requirements of the Data Protection Ordinance.

A more detailed review of the Danish Data Protection Agency's conclusions follows below.

Re point 1: Anonymisation of taxi rides

One of the systems in which Taxa 4x35 (hereinafter Taxa) processes personal data is DDS Pathfinder. The system is used for customers' ordering and settlement of taxi rides.

When a taxi ride is registered in DDS Pathfinder, information is stored about e.g. the customer's name, telephone number, date of the journey, the start and end time of the journey, the number of kilometers driven, the payment, start and end position stated as GPS coordinates and / or written address as well as other coordinates.

As long as a taxi ride can be linked to the customer who has booked the ride, the information mentioned is to be regarded as personal information about the customer.

In connection with the inspection visit, Taxi stated that the information in DDS Pathfinder relating to taxi rides is anonymised after 2 years, and that this anonymisation consists of the customer's name being deleted from the taxi ride. Taxa has also stated that the customer's telephone number is stored for 5 years and that this is done solely as a data basis for business development.

An anonymisation of personal data means that no natural persons can subsequently be identified on the basis of the information, or in combination with other information, ie. that the information is not personally identifiable. It is a condition of anonymisation that this is irrevocable, ie. that the natural person or persons concerned cannot be linked back to the information in question by any means. It is noted that information that has been made anonymous is no longer covered by the data protection rules.

During the inspection visit, the Danish Data Protection Agency carried out random searches in DDS Pathfinder. The notices showed that customers' taxi rides can still be searched for more than 2 years after the taxi ride has been made when searching on the customer's telephone number. It is the Data Inspectorate's opinion that with Taxi's procedure for anonymisation, whereby only the customer's name is deleted from the taxi ride, no real anonymisation of the information is carried out. In particular, Taxa continues to process personal information about the customer's telephone number, date of the journey, start and end time of the journey, number of kilometers driven, payment, start and end position stated as GPS coordinates and / or written address and other coordinates 2 years after the taxi ride.

Furthermore, the Danish Data Protection Agency is of the opinion that Taxi's continued processing of the customer's telephone number, with which the other processed information about the taxi ride is not anonymised, is not in accordance with Article 5 (1) of the Data Protection Regulation. 1, letter e, which states that personal data must be stored in such a way that it is not possible to identify the data subjects for a longer period of time than is necessary for the purposes for which the personal data in question is processed.

It is noted in this connection that Taxa itself has assessed that it is only necessary to process the information for 2 years.

Re point 2: Storage of the customer's telephone number for 5 years in relation to the requirement for data minimization

Article 5 (1) of the Data Protection Regulation 1, letter c, states that personal data must be sufficient, relevant and limited to what is necessary in relation to the purposes for which they are processed.

In connection with the inspection visit, Taxa has informed the Danish Data Protection Agency that the customer's telephone

number is stored for 5 years after driving a taxi.

Furthermore, Taxa has stated that the customer's telephone number is treated exclusively as a data basis for business development, and that the telephone number is the common frame of reference in the DDS Pathfinder system.

Finally, Taxa has stated to the Danish Data Protection Agency that another unique ID number could serve the same purpose as the telephone number after the 2 years have passed, but that the system cannot backwardly handle replacing the telephone number with an ID number or similar.

The Danish Data Protection Agency is of the opinion that Taxi's layout of DDS Pathfinder, with which the customer's telephone number is used as a key and common frame of reference in the system, is not in accordance with Article 5 (1) of the Data Protection Regulation. 1, letter c, as the telephone number itself is not necessary to fulfill the purpose in question.

In this connection, the Danish Data Protection Agency must note that any costs associated with the migration of information on taxi fares to a new data structure cannot justify a failure to delete the customer's telephone number after 2 years.

Re point 3: Uncertainty about treatment authority

During the inspection visit, the Danish Data Protection Agency asked what considerations Taxa has made when setting the deletion deadline of 5 years in relation to the processing of customers' telephone numbers.

In this connection, Taxi stated that the telephone number is the key to the entire database behind DDS Pathfinder, and is therefore necessary in Taxi's product and business development.

Following the inspection visit, NORDIA Advokatfirma I / S (hereinafter NORDIA) - on behalf of Taxi - stated in a letter dated 28 November 2018 that Taxa "stores the telephone numbers from which orders are made for up to 5 years in accordance with the taxi order" . In the same letter, NORDIA has stated that "the storage of the telephone number is a prerequisite for the DDS Pathfinder system to work. This is because the common frame of reference in the DDS Pathfinder system is the telephone number from which trips are booked ".

By letter dated 7 December 2018, the Danish Data Protection Agency asked Taxa to state the reasons why Taxa stores customers' telephone numbers for 5 years. At the same time, the Danish Data Protection Agency requested Taxi, if the storage takes place with a view to complying with the taxi order, to elaborate in more detail on where the requirement for storage of telephone numbers is specifically stated in the taxi order.

On 13 December 2018, NORDIA sent a reply to the Danish Data Protection Agency's letter of 7 December 2018, in which

Taxa stated that “the telephone number is the key in Taxi’s system. It is therefore stored both for Taxa to run a business and as a basis for Taxi’s business development”. At the same time, NORDIA stated that the reason for the storage with reference to the taxi order was due to a misunderstanding.

Article 5 (1) of the Data Protection Regulation 1, letter b, it appears that personal data must be collected for explicitly stated and legitimate purposes. At the same time, it is clear from Article 5 (1) 2, that the data controller is responsible for and must be able to demonstrate that para. 1 is complied with.

It is the opinion of the Data Inspectorate that Taxa - as there has been uncertainty on several occasions from Taxi’s about the legal basis on which customers’ telephone numbers have been processed in DDS Pathfinder - has not complied with the requirements for liability under Article 5 (1) of the Data Protection Regulation. Article 5 (2) 1, letter b.

Re point 4: Documentation of deletion procedures

As part of the supervision of Taxi’s compliance with the requirements for deletion of personal data, the Danish Data Protection Agency has reviewed the company’s procedures for deletion and documentation for this.

With regard to documentation of deletion procedures, the Danish Data Protection Agency can, on the basis of the material submitted by Taxi, state that the documentation for deletion procedures in all the selected systems has been of a superficial nature and generally deficient.

In connection with the inspection visit, the Danish Data Protection Agency has also requested documentation for Taxi’s procedures for: follow-up that deletion has been carried out correctly in the systems; handling the reloading of previously deleted personal data during commissioning of backup; and logging deletions in the systems.

With regard to follow-up on deletion and handling of reloading of previously deleted personal data when commissioning a backup, Taxa has stated that there is no documentation for the company’s procedures for this.

With regard to logging of deletions made in the systems, the Danish Data Protection Agency can, on the basis of the inspection visit, conclude that in 3 out of 4 of the systems that were the subject of the inspection visit, only logging of deletions was performed in a manual spreadsheet. Furthermore, this spreadsheet did not show the logging of specific deletions, but merely a history of who performed the deletion in the system in question and when the deletion was made. For the fourth system, Taxa has on 14 June 2018 launched the implementation of a functionality for logging deleted information. The logging was commissioned on 1 October 2018.

Article 5 (1) of the Data Protection Regulation Article 5 (2) 1, letter e, it follows that the data controller must be able to demonstrate that it has not been possible to identify the data subjects for a longer period of time than is necessary for the purposes for which the personal data in question is processed.

It is the opinion of the Danish Data Protection Agency that Taxi has not complied with the requirements of Article 5 (1) of the Data Protection Regulation. Article 5 (2) 1, letter e, as Taxi has not documented the company's procedures for follow-up on deletion, handling of reloading of previously deleted personal data when commissioning a backup, and as Taxi's logging of deletions made has been insufficient.

## Conclusion

On the basis of what the Danish Data Protection Agency has established in connection with the inspection visit, the Danish Data Protection Agency finds grounds for concluding in summary:

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation 1, letter e (storage restriction), as the company's procedure for anonymizing personal data is insufficient.

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation 1, letter c (data minimization), as the company's storage of customers' telephone numbers for 5 years has not been necessary in relation to the purposes for which they are stored.

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation Article 5 (2) 1, letter b, as the company has not unambiguously determined with what processing authority customers' telephone numbers have been stored for 5 years after driving a taxi ride.

That Taxa 4x35 has not complied with the requirements of Article 5 (1) of the Data Protection Regulation Article 5 (2) 1, letter e, as the company has not sufficiently documented the deletions made in the systems and the company's procedures for this.

In relation to points 1 and 2, the Danish Data Protection Agency has today submitted a police report of Taxi 4x35 to the Copenhagen Police.

In addition, the Danish Data Protection Agency finds, in relation to points 3 and 4, overall grounds for expressing serious criticism that Taxa 4x35 has not complied with the requirements of the Data Protection Ordinance.

[1] Act No. 502 of 23 May 2018 on supplementary provisions to the Regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the Data Protection Act).

[2] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General data protection regulation).