

Decision

Diariennr

2019-04-03

DI-2018-19918

Ert diariennr

A528,572 / 2018

The police authority

Legal Department

Legal governance and support unit

Box 122 56

102 26 Stockholm

Supervision according to the Criminal Data Act (2018: 1177) The Police Authority's list of

treatments

The Data Inspectorate's decision

1.

The Data Inspectorate finds that the Police Authority's list of

treatments, for certain categories of treatments, lack data

on the categories of salaried employees who have access to the personal data that is processed and the categories of recipients to whom the data may be disclosed in accordance with ch. 3 § 3 and 4 of the Criminal Data Ordinance (2018: 1202).

The Data Inspectorate submits in accordance with ch. 7 § 2 of the Criminal Data Act

The police authority that in the list of treatments, for each category of treatment, indicate the categories of officials who have access to the personal data processed and the categories of recipients to whom the information may be disclosed, at the latest on October 31, 2019.

2. The police authority is ordered to leave one by 31 October 2019 at the latest

written report to the Data Inspectorate of the measures that

The police authority has taken due to the injunction in

point 1.

Postal address: Box 8114, 104 20 Stockholm

Website: [www.datainspektionen.se](http://www.datainspektionen.se)

E-mail: [datainspektionen@datainspektionen.se](mailto:datainspektionen@datainspektionen.se)

Phone: 08-657 61 00

1 (6)

The Data Inspectorate

DI-2018-19918

Other

In addition to what appears from points 1-2, the Data Inspectorate leaves

recommendations, according to ch. 7 § 1 of the Criminal Data Act, to the Police Authority

applicable time limits for the duration of the categories of personal data

treated in accordance with ch. 3 § 9 of the Criminal Data Ordinance.

Report on the supervisory matter

On 17 October 2018, the Data Inspectorate initiated supervision of the Police Authority

in order to review the Police Authority's list of treatments of

personal data complies with ch. Section 3 of the Criminal Data Ordinance.

The police authority has mainly stated the following. The police authority has chosen

to divide the list into two parts: one for supported treatments

of the Data Protection Regulation<sup>1</sup> and one for treatments carried out under

the Criminal Data Act. The two parts consist of two separate tabs in an Excel file. The list also contains a tab with general

information about personal data liability and contact information for data protection representatives. In addition to the list, the

Police Authority has additional documentation on each personal data processing. However, the documentation is not

considered part of

the list.

In creating the Police Authority's list of treatments

the data was migrated from the personal data agent's list. Associated

with it, some obsolete treatments and duplicates were removed. It was done

also an overall quality assurance of applicable law, taking into account among

the extended area of application of the Criminal Data Act compared with the Police Data Act (2010: 361).

In the case of the columns "officials with access" and "categories of

recipients" have been reviewed so that the correct information is in the correct column. The

however, there are many lines that still lack information. This information

1

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

natural persons with regard to the processing of personal data and on the free flow of

such information and repealing Directive 95/46 / EC (General Data Protection Regulation).

2 (6)

The Data Inspectorate

DI-2018-19918

can be found in the underlying documentation "Registration to PUOs

list".

As for the column "deadlines", no work has yet begun.

The police authority has assessed that the information contained in the old ones

the notifications are not good enough for it to be possible to update

the list to a greater extent than has been done so far. Instead, one should

major work is initiated to update all older notifications and replace them

with new.

The Data Inspectorate has in its review of the Police Authority's list

of treatments observed mainly the following. The police authority

list of treatments contains the following columns.

- Name,
- legal basis,
- responsible for the treatment,
- purpose,
- categories of officials with access,

categories of recipients to whom the information may be disclosed

to,

- categories of registered and personal data,
- collection of transfers to third countries,
- use of profiling,

deadlines for how long the categories of personal data may be processed

and

- general description of security measures.

Justification of the decision

What the Data Inspectorate has to decide on

In the supervisory matter, the Data Inspectorate has to decide whether the Police Authority's list of treatments meets the requirements of Chapter 3. Section 3 of the Criminal Data Ordinance. The supervision only refers to the list kept by the Police Authority

according to the Criminal Data Act.

3 (6)

The Data Inspectorate

DI-2018-19918

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 Police Authority then applies on 1 January 2019, also the Act (2018: 1693) on the processing of personal data by the police within the area of the Criminal Data Act (the Police Criminal Data Act) with supplementary provisions in the ordinance (2018: 1942) on the police processing of personal data within the area of the Criminal Data Act. In that the police criminal data law came into force, the police data law ceased to apply.

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

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

4 (6)

The Data Inspectorate

DI-2018-19918

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 police authority's list of treatments

The Data Inspectorate's assessment

The Data Inspectorate notes that the Police Authority's list of treatments, for certain categories of treatments, lacks information on the categories of officials who have access to the personal data that is processed and the categories of recipients to whom the information may be disclosed.

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

The police authority 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 police authority's list of treatments contains in separate columns the points listed in the provision. The Data Inspectorate has no comments on points 1-2, 5-8 and 10.

The columns to indicate the categories of officials who have access to them personal data processed (paragraph 3) and the categories of recipients

to which the information may be disclosed (paragraph 4) lacks information

for certain categories of treatments. The Data Inspectorate therefore finds that

The police authority's list of treatments, for certain categories of

treatments, lacks information according to ch. 3 § 3 and 4 of the Criminal Data Ordinance. Due to this, the Data Inspectorate

has found reasons to

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

The Data Inspectorate submits in accordance with ch. 7 § 2 of the Criminal Data Act The Police Authority that in the list of

treatments, for each category of treatment,

indicate the categories of officials who have access to the personal data

processed and the categories of recipients that the data may be

handed out to.

The column for deadlines for how long the categories of personal data last

treated is, for each category of treatment, empty. According to ch. 3 § 9 criminal

5 (6)

The Data Inspectorate

DI-2018-19918

the Data Regulation, deadlines should be specified where possible. The police authority has stated that major work will be

initiated to update everyone

older entries to the previous list and replace them with new ones.

The Data Inspectorate finds that the Police Authority's list of

treatments lack information on deadlines according to ch. 3 § 9 of the Criminal Data Ordinance. According to ch. 5, the Data

Inspectorate may 7 § 1 of the Criminal Data Act through

advice, recommendations or remarks (as stated in Chapter 5, Section 6, first)

paragraph of the same law) try to persuade the Police Authority to take action. The Data Inspectorate considers that it is

currently sufficient to recommend the Police Authority to make an assessment of whether it is possible to set deadlines in

the list of treatments.

This decision was made by unit manager Charlotte Waller Dahlberg after presentation by the lawyer Maria Andersson.

Charlotte Waller Dahlberg

Maria Andersson

Copy to:

The Security and Integrity Protection Board

How to appeal

If you want to appeal the decision, you must write to the Data Inspectorate. Enter in 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 time, send the Data Inspectorate forwards it to the Administrative Court in Stockholm for review. 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.

6 (6)