

Supervision of Fynbus I / S

Date: 06-07-2020

Decision

Public authorities

The Danish Data Protection Agency expresses criticism and serious criticism of Fynbus I / S because they have not sufficiently complied with the duty to provide information in several of their services, which collect personal data, including information on customers' travel history.

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Summary

In the autumn of 2019, the Danish Data Protection Agency initiated a written inspection of Fynbus I / S. The audit focused on Fynbus 'observance of the duty to provide information in connection with the collection of information on customers' travel history.

The Danish Data Protection Agency has found that Fynbus I / S has not complied with the duty to provide information in connection with the collection of personal information in three out of five app or web services, because the required information is not "given" to customers in connection with the collection. Customers, on the other hand, have had to search for the information on the website themselves.

On that basis, the Danish Data Protection Agency has found grounds for expressing criticism.

In addition, the Danish Data Protection Agency has found that Fynbus I / S 'privacy policy for two of the services does not contain sufficient information to be able to fulfill the duty to provide information, for which the Danish Data Protection Agency also criticizes.

Finally, the Authority has found that Fynbus I / S 'privacy policy for one of the services is extremely deficient. Against this background, the Authority has found reason to express serious criticism for non-compliance with the duty to provide information.

1. Written supervision of Fynbus I / S

Fynbus I / S (hereinafter Fynbus) was among the companies that the Danish Data Protection Agency had selected in the autumn of 2019 to supervise in accordance with the Data Protection Ordinance [1] and the Data Protection Act [2]. The audits

focused on four overarching themes, including "day-to-day monitoring".

The Danish Data Protection Agency's audit of Fynbus was a written audit that focused on:

Fynbus' fulfillment of the duty to provide information, in accordance with Article 13 of the Data Protection Regulation, in connection with the collection of information on customers' travel history, and

Fynbus' compliance with the requirement of transparency, cf. Article 5, para. 1, letter a, in connection with Fynbus' possible use of this information for profiling.

By letter dated 14 November 2019, the Danish Data Protection Agency notified the Authority of Fynbus and in this connection requested an opinion.

Fynbus has then by letter of 5 December 2019 issued a statement for use in the case, just as the company by letter of 4 February 2020 has answered the Data Inspectorate's in-depth questions on the case.

After a review of the case, the Danish Data Protection Agency finds grounds for concluding in summary:

That Fynbus' procedure for observing the duty to provide information in connection with the services webshop.fynbus.dk, fynbus.flextrafik.dk and fynbusbestilling.dk does not live up to the requirements of Article 13 and Article 12 (1) of the Data Protection Regulation. 1, as the information is not "given" to the customers, but that the customers must instead seek out the information themselves.

That Fynbus' procedure for observing the duty to provide information in connection with the Fynbus Mobilbillet services and the Flextrafik app takes place in accordance with Article 13 of the Data Protection Regulation.

That Fynbus' compliance with the duty of disclosure through the privacy policy associated with the services webshop.fynbus.dk and fynbusbestilling.dk does not take place in accordance with Article 13 of the Data Protection Regulation, as the privacy policy does not contain sufficient information.

That Fynbus' compliance with the duty of disclosure through the privacy policy in the app Fynbus Mobilbillet, as it appeared prior to the Data Inspectorate's notification of supervision, does not take place in accordance with Article 13 of the Data Protection Regulation, as the Privacy Policy refers to deficient, just as the updated privacy policy is deficient.

That Fynbus' compliance with the duty of disclosure through the privacy policies associated with the services fynbus.flextrafik.dk and the associated app Flextrafik takes place in accordance with Article 13 of the Data Protection Regulation.

The Data Inspectorate finds in relation to pkt. 1 and 3 basis for expressing criticism that Fynbus' processing of personal data has not taken place in accordance with Article 13 and Article 12 (1) of the Data Protection Regulation. 1.

The Danish Data Protection Agency also finds in relation to pkt. 4 grounds for expressing serious criticism that Fynbus' processing of personal data has not taken place in accordance with Article 13 of the Data Protection Regulation.

Below is a more detailed review of the information that has emerged in connection with the written inspection, and a justification for the Danish Data Protection Agency's decision.

2. Information of the case

It appears from the material submitted by Fynbus that the company, as data controller, collects information about customers' journeys through the following citizen-oriented services:

Webshop.fynbus.dk

Fynbus Mobile Ticket (App)

Fynbus.flextrafik.dk and associated app "Flextrafik"

Fynbusbestilling.dk

Fynbus has further stated that the company does not perform profiling in connection with the above-mentioned services.

2.1. Webshop.fynbus.dk

Webshop.fynbus.dk aims to make it possible for Fynbus 'customers to buy travel permits for routes that are within Fynbus' area.

Fynbus has stated that the company observes the duty to provide information in relation to webshop.fynbus.dk on the website fynbus.dk, as this is the way customers enter webshop.fynbus.dk.

Regarding the observance of the duty to provide information on the website fynbus.dk, Fynbus has stated that it takes place the first time the customer uses the service, where the customer is notified with a pop-up message at the top of the page.

The Danish Data Protection Agency has subsequently found by accessing fynbus.dk that the pop-up message in question has the text:

"Fynbus.dk uses cookies to improve your experience. Click here to read Fynbus' privacy and cookie policy. "

The Danish Data Protection Agency has further found that in addition to the message as stated by Fynbus itself only "popping up" the first time you access the website, the message also disappears after approximately 5-10 seconds if it is not activated.

Subsequently, the privacy policy is available via a link at the bottom of the website under the title "Privacy and cookie policy".

On the same occasion, the Danish Data Protection Agency has found that when entering personal information in connection with purchases on webshop.fynbus.dk, you are not presented with the privacy policy, just as there is no link to this.

The privacy policy on fynbus.dk states that part of the processing of personal data is based on consent, cf. Article 6 (1) of the Data Protection Regulation. The right to withdraw consent in accordance with Article 13 (1) (a) of the Data Protection Regulation. However, Article 2 (2) (c) does not appear in the policy.

The privacy policy also states that "personal data is stored for as long as is necessary to administer you as a customer, or otherwise to comply with applicable law, including the Payment Act, the Accounting Act, the Data Protection Regulation and the Data Protection Act." In relation to customers' travel history, it is not specified which criteria Fynbus uses to determine the period of storage.

The right to restrict personal data within the meaning of Article 13 (1) of the Regulation 2, letter b, is also not stated in the privacy policy.

2.2. Fynbus Mobile Ticket (App)

Fynbus has stated that the service is used for the sale of tickets for public transport on Funen. In order to be able to buy a travel document in Fynbus Mobilbillet, the citizen must register as a customer via the app, whereby information about the customer is collected.

Fynbus has further stated that upon creation, the customer will be asked to approve the company's privacy policy before the customer is finally created. The privacy policy is presented in writing and electronically in the app and must be actively approved with the press of a green acceptance button.

Fynbus has updated the company's privacy policy following notification of the Danish Data Protection Agency's inspection on 14 November 2019. In this connection, Fynbus has forwarded both the original and the updated version of the privacy policy. The original privacy policy on Fynbus Mobilbillet is based on the now repealed Personal Data Act, as it refers to provisions therein and lacks some of the information required by the Data Protection Regulation:

contact details of the data protection adviser in accordance with Article 13 (2) of the Data Protection Regulation 1, letter b, the legal basis for the processing, in accordance with Article 13 (2) of the Data Protection Regulation. 1, letter c,

information on the period during which the personal data will be stored or, if this is not possible, the criteria used to determine

this period, in accordance with Article 13 (2) of the Data Protection Regulation; 2, letter a, and

information on the right to request access and to restrict processing, in accordance with Article 13 (2) of the Data Protection Regulation. 2, letter b.

The updated privacy policy begins with the following text:

"The privacy policy applies to:

FynBus

Tolderlundsvej 9

5000 Odense C

FynBus.dk

Further information on FynBus' policies can also be found here.

fynbus.dk/cookiepolitik ”

The link fynbus.dk/cookiepolitik leads the customer to Fynbus' privacy and cookie policy as reviewed under pkt. 2.1.

The updated privacy policy in Fynbus Mobilbillet does not state:

information on the legal basis of the processing, in accordance with Article 13 (2) of the Data Protection Regulation. 1, letter c,
information on the period during which the personal data will be stored or, if this is not possible, the criteria used to determine
this period, in accordance with Article 13 (2) of the Data Protection Regulation; 2, letter a, and

information on the right to restrict processing in accordance with Article 13 (2) of the Data Protection Regulation. 2, letter b.

2.3. Fynbus.flextrafik.dk and the associated app Flextrafik

Citizens can buy travel permits for flextrafik via the website fynbus.flextrafik.dk and an associated app.

Fynbus has stated that in order to be able to buy travel documents on the website as well as in the app, the citizen must register as a customer, whereby information about the customer is collected. Fynbus has further stated that during this process the citizen is asked to accept the trade and privacy policy. Finally, it appears from Fynbus' statement that the privacy policy is presented in writing and electronically in the app and must be actively approved by pressing the green acceptance button.

In relation to both fynbus.flextrafik.dk and the associated app, Fynbus has stated that the privacy policy can be found at fynbus.flextrafik.dk.

Fynbus has included "user flows" for documentation of compliance with the duty to provide information. These user flows

consist of screen dumps from the website fynbus.flextrafik.dk.

These user flows do not state that the user is presented with the privacy policy and that the citizen must approve this with the push of a green acceptance button. The Danish Data Protection Agency therefore assumes that this only applies to registration as a user via the app.

On the other hand, it appears from the enclosed user flows that when the customer has to register as a user, he or she must enter a number of personal information. The fields in which the information is to be entered are framed in a box. At the bottom of the screen, outside the mentioned box and together with information about Fynbus' address, telephone number and CVR number, is a link to the cookie and privacy policy at fynbus.flextrafik.dk.

In the privacy policy, under the third section "Purpose and legal basis", it is stated that the legal basis for the processing of the data subject's personal data is consent. However, there is no reference to Article 6 (1). 1 (a) or the Data Protection Regulation in general.

Furthermore, the privacy policy does not contain information on the right to restriction of personal data, cf. Article 13 (1) of the Data Protection Regulation. 2, letter b.

2.4. [Fynbusbestilling.dk](https://fynbusbestilling.dk)

Fynbus has stated that the website is used for the sale of group tickets and immediate group tickets for public transport. In order to be able to buy a travel document, citizens must register as a customer, whereby information about the customer is collected.

Fynbus has further stated that the duty to provide information is observed via a link to the privacy policy on fynbus.dk. Thus, in relation to the content of the privacy policy, reference is made to section 2.1.

The Danish Data Protection Agency has subsequently, by attempting to create a user, found that there is no link to the privacy policy in connection with the entry of personal data. The link can be found in a tab at the top of the page, unrelated to the creation as a user.

The Danish Data Protection Agency has also noted that after the Danish Data Protection Agency's notification of inspections at Fynbus, a pop-up box has been set up on the website with the following text:

"Fynbus has updated its cookie policy to comply with EU's Trading Cookie legislation. Please note that this website uses cookies which keep track of and collect information about users' behavior on the site. By continuing on this page, you hereby

accept Fynbus' cookie policy. "

In the pop up box is the link to the cookie and privacy policy, which is on fynbus.dk, which is why reference is made to pkt. 2.1.

Justification for the Danish Data Protection Agency's decision

It should be noted at the outset that Fynbus has stated that they observe the duty to provide information in connection with the collection of personal data in the individual services through the respective privacy policies.

Of pkt. 3.1. The Danish Data Protection Agency's assessment of the manner in which Fynbus draws the data subject's attention to the privacy policy and thus "provides" the data subject with information in accordance with Article 13 (the procedure for observing the duty to provide information) appears.

Of pkt. 3.2. The Danish Data Protection Agency's assessment of the content of the various privacy policies and whether these meet the requirements in Article 13 (1) is stated. 1 and 2.

3.1. Fynbus' procedures for observing the duty to provide information

3.1.1. Webshop.fynbus.dk

It follows from Article 13 of the Data Protection Regulation that the data subject must be "provided" with a range of information at the time personal data about the data subject is collected.

It further follows from Article 12 (1) of the Data Protection Regulation 1, that the data controller shall take appropriate measures to provide any information referred to in, inter alia, Article 13 in a concise, transparent, easily understandable and easily accessible form and in a clear and simple language.

It appears from the case that Fynbus' observation of the duty to provide information in connection with the collection of information about customers from webshop.fynbus.dk takes place the first time the customer visits fynbus.dk, where the customer is notified with a pop-up message at the top of the page. The message informs about the use of cookies to improve the customer's experience and subsequently refers to Fynbus' privacy and cookie policy with a link. After about 5-10 seconds, the pop-up message disappears if it is not activated.

The Danish Data Protection Agency finds that the required information pursuant to Article 13 of the Data Protection Regulation has not been "given" to the data subject in accordance with Article 13 and Article 12 (1). 1 at the time of collection of his personal data.

The Danish Data Protection Agency places special emphasis on the information not being given or available in connection with

the customer entering his personal information on webshop.fynbus.dk, that the pop-up message on fynbus.dk only "pops up" the first time the customer accesses the website, and that it disappears without user interaction after about 5-10 seconds. The Authority also emphasizes that the pop-up message gives the impression of mainly dealing with the use of cookies and does not refer to the privacy policy clearly and separately from all other information. The message is therefore not true, and requires special attention from the data subject if he is to become aware of Fynbus' processing of personal data. Against this background, the Danish Data Protection Agency finds that there are grounds for expressing criticism that Fynbus' procedure for observing the duty to provide information in connection with the collection of personal data on webshop.fynbus.dk is not in accordance with the rules in Article 13 and Article 12 of the Data Protection Regulation. PCS. 1.

3.1.2 Fynbus Mobile Ticket (App)

It appears from the case that the procedure for observing the duty to provide information in connection with the collection of information about customers using the app Fynbus Mobilbillet takes place with a written and electronic presentation of the privacy policy in the app, which must be actively approved by pressing the green acceptance button before final creation as a customer.

The Danish Data Protection Agency finds that Fynbus' procedure for observing the duty to provide information in connection with the collection of personal data in the Fynbus Mobile Ticket app is in accordance with Article 13 of the Data Protection Regulation.

3.1.3 Fynbus.flextrafik.dk and associated app

It appears from the information provided to the case that in order to use the flex traffic app, the registered person must register as a customer and be asked to accept the trade and privacy policy. The policy is presented in writing and electronically in the app and must be actively approved with the press of a green acceptance button.

The Danish Data Protection Agency finds that Fynbus' procedure for observing the duty to provide information in connection with the collection of personal data in the Flextrafik app is in accordance with Article 13 of the Data Protection Regulation.

The Danish Data Protection Agency assumes that the written and electronic presentation of the privacy policy only applies to registration as a user via the app.

It appears from the user flows Fynbus has sent to the Danish Data Protection Agency that at the bottom of the website fynbus.flextrafik.dk, together with information about Fynbus' address, telephone number and CVR number, there is a link to the

cookie and privacy policy on fynbus.dk.

It is the Data Inspectorate's assessment that the required information pursuant to Article 13 of the Data Protection Regulation has not been "given" to the data subject in accordance with Article 13 and Article 12 (1). 1, at the time of collection of his personal information on the website fynbus.flextrafik.dk.

The Authority emphasizes that the link in question appears at the bottom of the website outside the box in which the entry of personal information takes place, and thus without connection with the user actions that the data subject performs. Fynbus thus does not take active steps to provide the information, and the customer is thus not allowed to draw attention to Fynbus' policy for processing personal data.

The Danish Data Protection Agency then finds that there is a basis for expressing criticism that Fynbus' processing of personal data on the website fynbus.flextrafik.dk has not taken place in accordance with the rules in Article 13 and Article 12 (1) of the Data Protection Regulation. 1.

3.1.4. Fynbusbestilling.dk

It appears from the case that the procedure for observing the duty to provide information on fynbusbestilling.dk is done by linking to the company's privacy policy on fynbus.dk. The link is located in the tab at the top of the page.

It is therefore the Data Inspectorate's assessment that the required information according to Article 13 of the Data Protection Regulation has not been "given" to the data subject before processing his personal data, as the link in question appears at the top of the website - without connection to the user actions the data subject performs. The registered person is thus not allowed to draw attention to Fynbus' processing of personal data.

The Danish Data Protection Agency then finds that there is a basis for expressing criticism that Fynbus' processing of personal data on the website fynbusbestilling.dk has not taken place in accordance with the rules in Article 13 and Article 12 (1) of the Data Protection Regulation. 1.

3.2. Fynbus' privacy policies

3.2.1. Webshop.fynbus.dk and fynbusbestilling.dk

It appears from the case that the observance of the duty to provide information in connection with the collection of information about customers' travel history from both webshop.fynbus.dk and on fynbusbestilling.dk takes place via the privacy policy on the website fynbus.dk.

The Danish Data Protection Agency finds that the privacy policy in question does not meet the requirements of Article 13 of the Data Protection Regulation on a number of points.

Firstly, the Danish Data Protection Agency finds that Fynbus has not provided information in accordance with Article 13 (1) of the Data Protection Regulation. 2, letter c.

Fynbus states in the privacy policy that the company processes some personal data on the basis of Article 6 (1) of the Data Protection Regulation. 1, letter a (consent).

However, it is clear from Article 13 (1) 2, that the data controller must provide additional information necessary to ensure a fair and transparent processing, including when processing is based on Article 6, para. 1, letter a, where the data subject must be informed of the right to withdraw consent at any time, without this affecting the lawfulness of processing based on consent, before its withdrawal.

The Danish Data Protection Agency is of the opinion that it is always necessary to provide information about the right to withdraw consent when processing is based on consent, which is also stated in Article 7 (1) of the Data Protection Regulation. 3.

It is thus the Data Inspectorate's assessment that Fynbus must provide information about the right to withdraw consent in the privacy policy on fynbus.dk.

Secondly, the Danish Data Protection Agency finds that Fynbus has not provided information in accordance with Article 13 (1) of the Data Protection Regulation. 2, letter a.

The privacy policy states that "personal data is stored for as long as is necessary to administer you as a customer, or otherwise to comply with applicable law, including the Payment Act, the Accounting Act, the Data Protection Regulation and the Data Protection Act."

However, it follows from Article 13 (1) of the Data Protection Regulation 2, letter a, that if the data controller can not provide information about the period during which the personal data will be stored, information must be provided about the criteria used to determine the period.

The Danish Data Protection Agency is of the opinion that it is not sufficient to state that the information is stored for as long as necessary, as it does not illustrate to the data subject how long Fynbus believes they objectively need to store the personal data, and thus when they can expect that the information will be deleted.

The Authority thus assesses that Fynbus must elaborate on how long the personal data is stored, or, if this is not possible, describe the criteria on which they determine the period of storage.

Thirdly, the Danish Data Protection Agency finds that Fynbus has not provided sufficient information in accordance with Article 13 (1) of the Data Protection Regulation. 2, letter b.

The Privacy Policy does not provide information on the right to restrict the data subject's personal data, in accordance with Article 13 (1) of the Data Protection Regulation. 2, letter b.

It is clear from Article 13 (1) of the Data Protection Regulation 2, that the data controller must specifically assess whether the data subject should be given further information - i.e. the right to restrict the data subject's personal data. Such an assessment will often lead to the data controller being obliged to provide the data subject with additional information.

It is the opinion of the Danish Data Protection Agency that Fynbus' customers are not barred from exercising the right to restrict processing, cf. Article 18, which is why it is necessary to ensure fair and transparent processing that the data subjects are made aware of this right.

The Authority thus assesses that Fynbus must disclose the right to limit treatment in the privacy policy.

The Danish Data Protection Agency then finds in summary that there is a basis for expressing criticism that the privacy policy on fynbus.dk is not in accordance with the rules in Article 13 (1) of the Data Protection Regulation. 2, letters a, b and c.

3.2.2. The privacy policy on Fynbus Mobilbillet

The Danish Data Protection Agency finds that Fynbus' privacy policy as shown in Fynbus Mobilbillet before the notification of supervision on 14 November 2019 does not meet the requirements of Article 13 of the Data Protection Regulation, as the privacy policy does not contain some of the information required under Article 13 (1) of the Data Protection Regulation. . 1, letters b and c, and para. 2, letters a and b. The privacy policy also refers to the now repealed Personal Data Act rather than the current data protection regulation.

The updated privacy policy also does not meet the requirements, as it does not contain the information required under Article 13 (1) of the Data Protection Regulation. 1, letter c, g stk. 2, letters a and b.

The Danish Data Protection Agency notes that the updated privacy policy initially refers to "Fynbus 'additional policies'" and then links to Fynbus' cookie policy. However, the Authority does not find that this link repairs the deficient information, partly because it is not clear that there is information about the processing of personal data via the link, and partly because this

privacy policy is also deficient. Reference is made to pkt. 3.2.1. above.

Overall, the Danish Data Protection Agency finds that there are grounds for expressing serious criticism that Fynbus' processing of personal data has not taken place in accordance with the rules in Article 13 of the Data Protection Regulation. In the degree of criticism, the Danish Data Protection Agency has particularly emphasized the extent of the deficient information in the privacy policy that was in force at the time of the notification, and that the policy refers to the previous Personal Data Act, which gives the impression that Fynbus has not updated the privacy policy in the Fynbus Mobilbillet app, despite the fact that the Data Protection Regulation has been in force since 25 May 2018.

The Authority has also emphasized that the updated privacy policy does not meet the requirements of Article 13 of the Data Protection Regulation either, and that disclosure of the legal basis for the processing of personal data is particularly important in relation to transparency for the data subject.

3.2.3. The privacy policy on fynbus.flextrafik.dk with associated app

In relation to both fynbus.flextrafik.dk and the associated app, Fynbus has stated that the privacy policy can be found at fynbus.flextrafik.dk. The Danish Data Protection Agency then assumes that the privacy policy that is available on fynbus.flextrafik.dk is the same as the one that the user is presented with in the app.

The Danish Data Protection Agency finds that there is no basis for expressing criticism of Fynbus' privacy policy on fynbus.flextrafik.dk and in the associated app.

However, the Danish Data Protection Agency has noted that the data subject is informed through the privacy policy that the legal basis for the processing of the data subject's personal data is consent. However, there is no reference to Article 6 (1). 1 (a) or the Data Protection Regulation in general. It is the Data Inspectorate's assessment that the requirement that information on the legal basis for a processing involves an indication of the relevant provision in the Data Protection Regulation or other legislation on which the processing is based.

The Danish Data Protection Agency should also note that if personal data covered by Article 9 (1) of the Data Protection Regulation are processed. 1, this should also be stated.

4. Conclusion

After a review of the case, the Danish Data Protection Agency finds reason to conclude:

That Fynbus' procedure for observing the duty to provide information in connection with the services webshop.fynbus.dk,

fynbus.flextrafik.dk and fynbusbestilling.dk does not live up to the requirements of Article 13 and Article 12 (1) of the Data Protection Regulation. 1, as the information is not "given" to the customers, but that the customers must instead seek out the information themselves.

That Fynbus' procedure for observing the duty to provide information in connection with the Fynbus Mobilbillet services and the Flextrafik app takes place in accordance with Article 13 of the Data Protection Regulation.

That Fynbus' compliance with the duty of disclosure through the privacy policy associated with the services webshop.fynbus.dk and fynbusbestilling.dk does not take place in accordance with Article 13 of the Data Protection Regulation, as the privacy policy does not contain sufficient information.

That Fynbus' compliance with the duty of disclosure through the privacy policy in the app Fynbus Mobilbillet, as it appeared prior to the Data Inspectorate's notification of supervision, does not take place in accordance with Article 13 of the Data Protection Regulation, as the Privacy Policy refers to deficient, just as the updated privacy policy is deficient.

That Fynbus' compliance with the duty of disclosure through the privacy policies associated with the services fynbus.flextrafik.dk and the associated app Flextrafik takes place in accordance with Article 13 of the Data Protection Regulation.

The Data Inspectorate finds in relation to pkt. 1 and 3 basis for expressing criticism that Fynbus' processing of personal data has not taken place in accordance with Article 13 and Article 12 (1) of the Data Protection Regulation. 1.

The Danish Data Protection Agency also finds in relation to pkt. 4 grounds for expressing serious criticism that Fynbus' processing of personal data has not taken place in accordance with Article 13 of the Data Protection Regulation.

5. Concluding remarks

The Danish Data Protection Agency's decision can be brought before the courts, cf. section 63 of the Constitution.

For the sake of good order, the Danish Data Protection Agency must note that the Authority expects to publish this statement on the Authority's website in a week's time.

The Danish Data Protection Agency may finally refer to the fact that the Authority's website contains various material on compliance with the duty to provide information, including the guide on data subjects' rights, a template for compliance with the duty to provide information, and a podcast on personal data policies.

Appendix: Legal basis

Excerpt from 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 Regulation on data protection).

Article 6. Treatment shall be lawful only if and to the extent that at least one of the following conditions applies:

- a) The data subject has given consent to the processing of his personal data for one or more specific purposes.
- (b) Processing is necessary for the performance of a contract to which the data subject is a party or for the implementation of measures taken at the request of the data subject prior to the conclusion of a contract.
- c) Processing is necessary to comply with a legal obligation incumbent on the data controller.
- d) Processing is necessary to protect the vital interests of the data subject or another natural person.
- e) Processing is necessary for the purpose of performing a task in the interest of society or which falls within the exercise of public authority, which has been assigned to the data controller.
- (f) Processing is necessary for the data controller or a third party to pursue a legitimate interest, unless the data subject's interests or fundamental rights and freedoms requiring the protection of personal data take precedence, in particular if the data subject is a child.

The first subparagraph, point (f), does not apply to processing carried out by public authorities in the performance of their tasks.

Article 13. If personal data of a data subject are collected from the data subject, the data controller shall provide the data subject with all of the following information at the time the personal data are collected:

- (a) the identity and contact details of the data controller and his / her representative, if any;
- b) contact details of any data protection adviser
- (c) the purposes of the processing for which the personal data are to be used and the legal basis for the processing
- (d) the legitimate interests pursued by the controller or a third party if the processing is based on Article 6 (1); 1 (f)
- (e) any recipients or categories of recipients of the personal data
- (f) where appropriate, the data controller intends to transfer personal data to a third country or an international organization and whether the Commission has decided on the adequacy of the level of protection, or in the case of transfers under Article 46 or 47 or Article 49; PCS. 1, second subparagraph, point (h), reference to the necessary or appropriate guarantees and how

a copy can be obtained or where they have been made available.

PCS. 2. In addition to the information referred to in paragraph 1, at the time the personal data is collected, the data controller shall provide the data subject with the following additional information necessary to ensure fair and transparent processing:

- (a) the period during which the personal data will be stored or, if this is not possible, the criteria used to determine that period;
- (b) the right to request the data controller access to and rectification or erasure of personal data or the restriction of processing concerning the data subject or to object to the processing, and the right to data portability;
- (c) where treatment is based on Article 6 (1). Article 9 (1) (a) or Article 9 (1) Article 2 (2) (a), the right to withdraw consent at any time, without prejudice to the lawfulness of treatment based on consent, before its withdrawal;
- (d) the right to lodge a complaint with a supervisory authority
- (e) whether the disclosure of personal data is statutory or a requirement under a contract or a requirement that must be met in order to enter into a contract, and whether the data subject has a duty to provide the personal data and the possible consequences of not providing such data;
- (f) the existence of automatic decisions, including profiling, as referred to in Article 22 (1); 1 and 4, and in these cases at least meaningful information about the logic therein as well as the significance and the expected consequences of such processing for the data subject.

PCS. If the data controller intends to further process the personal data for a purpose other than that for which it was collected, the data controller shall provide the registered information on this other purpose and other relevant additional information prior to this further processing, cf. 2.

PCS. 4 pieces. Paragraphs 1, 2 and 3 shall not apply if and to the extent that the data subject is already aware of the information.

[1] 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). [2] Act no. 502 of 23 May 2018 on supplementary provisions to the Regulation on the protection of natural persons in connection with the processing of personal data and on the free exchange of such data (the Data Protection Act).