

Decision

Diary no

2019-12-13

DI-2018-22737

Nusvar AB

Supervision according to the Credit Information Act

(1973:1173) and the EU's data protection regulation 2016/679 - Nusvar AB

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The Swedish Data Protection Authority's decision

The Data Inspectorate states that Nusvar AB (org. no. 556991-1224) under

the period December 2018 – 8 April 2019 has conducted credit reporting activities and in doing so has

1. violated article 10 of the data protection regulation and section 6, second paragraph

the Credit Information Act by processing information about

violations of the law without the Datainspektionen's consent,

2. violated Article 5 of the Data Protection Regulation by processing

personal data that is too extensive, inadequate and irrelevant i

relationship to the purpose (credit reporting purposes),

3. acted in violation of Section 9 of the Credit Information Act by not

comply with the requirement of legitimate need when credit information is provided

if a natural person who is not a trader, and

4. acted in violation of Section 11 of the Credit Information Act by not sending

it requested a credit report copy when a credit report

disclosed about a natural person.

The Data Inspection Authority decides with the support of ch. 6. Section 3 of the Data Protection Act and articles 58.2 and 83 of the data protection regulation that Nusvar AB must pay a administrative penalty fee of EUR 35,000.

Account of the supervisory matter

The Swedish Data Protection Authority has drawn attention to complaints from the public that Nusvar AB (the Company) disclosed personal data concerning, among other things financial information about all residents of Sweden who are 16 years of age and older via

The company's website www.mrkoll.se (the website). The website is covered by such a certificate of issue as regulated in ch. 1. Sections 5-7 of the Freedom of Expression Foundation (1991:1469).

The Swedish Data Protection Authority has initiated supervision of the Company with the aim of investigating to what extent

The company via the website conducts activities that are to be regarded as credit reporting activities and, if this is the case, to the extent that the Company has complied the data protection regulation and the credit information act's prohibition against processing of information about offenses involving crimes and

the data protection regulation's requirements for data minimization as well as

the Credit Information Act's requirement of legitimate need and credit information copy.

The supervisory case was initiated with a supervisory letter on 18 December 2018. Answer on the supervisory letter received on 30 December 2018. Datainspektionen

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conducted an on-site inspection at the Company on April 9, 2019. Minutes

from the inspection has been drawn up and forwarded to the Company for comments.

Opinion on minutes received on May 5, 2019. A supplementary letter

from the Company came in on 29 May 2019.

What emerged in the case

The website is a commercial business which mainly

is conducted on the basis of advertising revenue. The purpose of the Website is to

make available public information about private persons of public interest,

such as, for example, social security number, housing situation, vehicle ownership,

legal information and certain other information that is not public,

for example telephone number. The user logs into the website and can take

part of the published information free of charge.

It has emerged during the investigation that the Company receives information to

The website from around ten different suppliers, among others

The Swedish Companies Registration Office and the credit reporting company Yellow-Belly Decision Systems

AB (Yellow-Belly). The business started when the Company received a so

called base lift regarding basic data from the credit information company YellowBelly during November 2018. Yellow-Belly then

lifted a

population registration database, which included social security numbers and addresses.

The company since then downloaded updated information from Yellow-Belly each

14th day regarding social security numbers, addresses, company information and

cluster information, such as aggregated area information and aggregated

financial information. The financial information that is aggregated consists of

of income information and payment notes.

All information is compiled by the Company. Some information is

cluster information, which refers to information about approximately 22 to 2,000 people

which are lumped together. The cluster compilations are based on where it is from

the user wanted person lives. The economic cluster information

consists of around 22-28 people. The Company then interprets the information and

creates comprehensible texts based on this data available on the website. The information is presented on the website in different "blocks". Especially about the Summary block

In the "summary" block, some information from the others is compiled the blocks. The economic cluster information shows, for example information on payment notes. If within the cluster there are more payment notes than zero, it appears that there are 3 (19)

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payment notes in the relevant area. No one is then left individual information about the wanted person. If there are none payment notes within the cluster, i.e. if none of the 22-28 people that is part of the wanted person's cluster has someone payment notice, it is expressly stated that the wanted person lacks payment notes, "X has no payment notes".

Furthermore, the block "Summary" shows how often the person in question is searched on the Website. This is information that the Company itself produces based on how many times the person has been searched and displayed on the Website during the month. Information about the number of searches on the Website does not mean that anyone has paid to receive information about the person in question. The information about the number of searches is reset to zero at each turn of the month.

Especially about the block Prosecutions, judgments and legal proceedings

The company compiles the information, which comes from the courts

(the district courts, the courts of appeal, the Supreme Court and the administrative courts i

depending on the nature of the target). For the case
a wanted person has been charged with one or more crimes, this appears
on the Website in the current block by that if the wanted
the person says, for example, "X has been charged in a court of law in a legal case which
intended criminal case" (this information is also presented in the block
"Summary").

Users of the Website can take part in the judgment itself directly at
The website by paying SEK 99 to the Company. When the payment
carried out, a summary of the relevant judgments including
the judgment directly on the Website in the block in question. The company does not
own summaries of the judgments, but these are delivered by the courts.
Users who have paid to see the judgments have access to them
for 24 hours on the Website.

Especially about the block Economy
The company compiles the financial information. This is based on
cluster information that Yellow-Belly has supplied and the aggregations that
Yellow-Belly has done and that's how the information under the headings "They
most earn", "A neighbor (or the person himself) earns" and "The salary indicator"
be developed.

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The cluster information consists of around 22-28 people who are selected based on it
the wanted person's address, which is then lumped together. The information in
the salary indicator is based on a comparison of the entire country's median salary with
the median salary in the current cluster.

Under the heading "Income current year" there are the six lines "Number payment notes", "Income from service", "Taxable income", "Income from capital", "Active business activity" and "Passive commercial activity". These lines are, with one exception, not filled in for a long time the individual user does not buy a credit report for SEK 49.

The exception is the line "Number of payment notes" in the case where none person in the wanted person's cluster has a payment notice, i.e. in the same situation as it says "X has no payment notes" in the "Summary" block. In these cases, it appears in the line for "Number payment remarks" state that the wanted person has "0 items". If someone in the cluster has a payment note, the field is left blank. These six lines covered by the Company's certificate of issue. It is thus the Company that is responsible for these six lines. The content of, and responsibility for, the information in the six lines however, changes if the user chooses to purchase a credit report for 49 crowns of Yellow-Belly, see below.

Especially about the Housing and neighbors block

The company compiles information about residents and neighbors, which will come from the Land Survey. Information on the estimated value of any condominium or property is based on an algorithm that the Company has developed which is based on broker statistics.

Especially about the Popularity block

The company compiles the information. This is the same information that has developed under the "Summary" block above. In this block it appears also how wanted the person is under the heading "Top Placement" and which ones other people who have also been searched on the Website under the heading "Also visited". The information in this block is reset at the end of each month.

Especially about the block About the neighborhood

The company compiles the information, which is mainly a repetition of other information on the Website and is mainly based on aggregated information. This block also shows the average age among the neighbours the wanted person and the average income in the neighborhood.

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Other blocks that appear on the website:

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Phone number

Civil registration

Corporate commitment

Vehicle ownership

Personal connections

Birthday

Zodiac signs

Marriage

The household

The company's information regarding the requirement of legitimate need and credit report copy

The Company does not consider that the Company conducts credit reporting activities through to provide the website. The company therefore does not need to take into account the provisions on legitimate need and credit reference copy.

Credit reporting activities are only conducted when the user via the website buys a full credit report if it searched for 49 crowns. This credit reporting activity is conducted by Yellow-Belly. The company is only Yellow-Belly's dealer.

The company's information about the business as a reseller of YellowBelly's credit information

The company states that the company is a dealer of Yellow-Bellys credit reporting product on the website. A credit report costs 49 crowns. The purchased credit report information is displayed directly on MrKolls website in the "Finance" block by filling in the information below the headings "Income current year" and the now added headings "Debts and payment notes" and "Bankruptcy". Under the title "Income current year" is in this mode the line "Number of payment notes" not included.

Under the heading "Debts and payment notes" there are eight lines regarding traditional credit reporting information. Under the title "Bankruptcy" contains a line indicating whether the requested person is in personal bankruptcy or not.

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The information published when the user purchases a credit report for SEK 49 is not in the Company's database for the Website. It's Yellow-Belly which fills in the fields on the Website when the user orders a credit report for SEK 49. For users who are inside the site without having ordered any credit information from Yellow-Belly, these fields are masked. Yellow-Belly sends a credit report copy to the requested and responsible for the user having a legitimate need.

The company's view on the definition of credit reporting activities and the scope of the certificate of issue

The company believes that the information that the wanted person does not have some payment notes, (X has no payment notes), i the "Summary" block does not constitute credit reference information because it is cluster-based information that is based on not any person in it wanted cluster has a payment note.

The company believes that the information in the "Finance" block, that it sought the person has "Number of payment notes 0 pcs", does not constitute credit reference information because it is cluster-based information which is based on the fact that no person in the wanted person's cluster has one payment note.

The company considers that the information about the estimated value of any property i the block "Residential and neighbours", does not constitute credit reference information then it is based on broker statistics.

The company considers that the information under the heading "Salary indicator" does not constitute credit reporting information. This information does not say anything about it wanted person as such, as there is no information on an individual level.

The website is covered in its entirety by the certificate of issue. It is only

The company that can change the content on the Website.

As far as the "Economy" block is concerned, however, the situation is special. The block "Finance" is covered in its entirety by the certificate of issue as long as the lines below the headings "Income for the current year", "Debts and payment notes" and "Bankruptcy" are not completed. These rows are, with one exception, masked like this as long as the individual user does not buy a credit report for SEK 49.

The exception is the information filled in by the Company itself "Number 7 (19)

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payment notes 0 pcs" under the heading "Income in the current year". This one information is thus part of the Website and is covered by the certificate of issue.

If a user buys a credit report for SEK 49, it is changed the situation. The purchased credit reference information is then filled in by Yellow-Belly and appears directly in the block "Economy" under the headings "Income current year", "Debts and payment notes" and "Bankruptcy". The row "Number of payment notes 0 pcs" is not included in this mode. The company therefore considers that the information under the headings "Income current year", "Debts and payment notes" and "Bankruptcy" in the block "Finance" i this location must be considered a lifted and thus separated part of

The website. This lifted part is not covered by the Company's certificate of issue but then constitutes an unmoderated part of the Website for which Yellow-Belly is responsible for.

As for the block "Prosecutions, judgments and legal proceedings", this is part of it the website covered by the Company's certificate of issue regardless of whether the user obtains a judgment for SEK 99 or not. The company believes that it

is a difference between the block that refers to "Prosecutions, judgments and legal proceedings" and the block "Finance" because the information that appears in the block "Prosecutions, judgments and lawsuits" is not masked, but instead incomplete until the a user of the Website pays SEK 99 to access it.

The company ended its collaboration with Yellow-Belly on April 8, 2019 then the contractual relationship was terminated with immediate effect. The resale of credit information therefore ceased immediately. The company sold in capacity of Yellow-Belly's dealers about 700 pieces of credit information during March month. At the end of May, the Company released a new version of the website.

In the new edition, the information on payment notes has been excluded. Now, instead, only very rough information is provided that accounts for it the economic situation of the area at large (extent in terms of postcode outside the cities, and the neighborhood area in the cities).

Justification of the decision

The Swedish Data Protection Authority's position in this decision concerns Nusvar's operations on the MrKoll website during the time period from December 2018 to and with April 8, 2019. During the period, the company collected financial information from Yellow-Belly and published information that individual persons missing payment notes. The website has under this

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time period on several occasions changed in terms of layout. However, the processing of personal data has been the same in current parts.

Nusvar's operations on the Mrkoll website are covered by a so-called voluntarily certificate of issue according to ch. 1 Section 5 of the Freedom of Expression Act. This means that

The provisions of the Freedom of Expression Foundation on broadcasts of programs are applied when information is provided to the public via Mrkoll.

Of the delegation provision in ch. 1. Section 18 of the Freedom of Expression Act follows that what is specified in the delegation provision in ch. 1. 12 § 5 the Freedom of the Press Ordinance (1949:105) that regulations may be issued by law if professional credit reporting activities also apply in respect of program.

It follows from this that it is possible to issue regulations in law about credit reporting activities conducted via covered websites certificate of issue. Such legislation has been implemented through the Credit Information Act (1973:1173).

Credit reporting activities

Datainspektionen is a supervisory authority according to the Credit Information Act (1973:1173) and Regulation (EU) 2016/679 of the European Parliament and of the Council on 27 April 2016 on the protection of natural persons with regard to processing of personal data and about the free flow of such data and about repeal of Directive 95/46/EC (Data Protection Regulation), GDPR.

According to Section 1 of the Credit Reporting Act, the law applies to credit reporting activities which means that someone, except in isolated cases, provides credit information against compensation or as part of business activities. The law also applies to others credit reporting activities, if it is of a larger scope.

From section 2, first paragraph, first sentence of the Credit Information Act, it appears that credit information refers to information, judgments or advice provided to management for assessing someone else's creditworthiness or creditworthiness otherwise in financial terms.

In the preparatory works for the Credit Information Act (prop. 1973:155 p. 139) the question is dealt with

when certain information is to be considered credit information:

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"It is also characteristic of credit reporting that the information is provided to certain purpose. It must be a matter of information that is intended to serve management for assessment of someone's creditworthiness or validity in general i financial aspect. Information that typically has a completely different purpose is not covered by the concept of credit information, even if information of economic nature is included in the information. This includes e.g. tasks in personnel tests which is carried out to test a person's suitability for certain employment.

The information in a credit report is, of course, primarily aimed at economic conditions. However, more personal information is often included circumstances. A sharp boundary between the two types of information can is not drawn nor is it required. The nature of the information is lacking in and of itself significance for the determination of the concept of credit reporting. The decisive thing is if it is suitable to serve as a guide in the assessment of creditworthiness, etc."

The assessment of whether the Company's dissemination of information constitutes credit reporting activities

The investigation shows that the stated purpose of the website is to make available public information about private persons of public interest.

The information provided for free on the website has nothing stated credit reporting purposes. However, the information is disclosed directly connection to a purely credit reporting service operated by YellowBelly. Many users of the website can therefore be assumed to seek out the website for the purpose of procuring information for management for assessment of the wanted creditworthiness or validity in general in financial

respect. In that case, the information that the Company owns personal data responsibility publishes on the website is sufficient to exist basis for a credit assessment of the person sought, without the user need to order a credit report from Yellow-Belly for SEK 49, conducts The company credit reporting operations in the sense of the Credit Reporting Act. Information on the extent to which an individual has a payment notice or is not an example of a task that can typically be used to do a credit assessment of the wanted person. A statement that it searched lacking payment notes can be sufficient information, for example about the individual's finances in order for him to be allowed to order an item in return invoice in an online store or be approved as a member of a condominium association. A user who visits the website for the purpose of a credit assessment of the wanted person and who does not need more information if it was wanted economy than can refrain from ordering a full credit report from Yellow-Belly.

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The company publishes information that the wanted person has no payment notes by stating in the "Summary" block that "X has no

payment notes" and in the block "Finance" enter "Number of payment notes 0 pcs".

The fact that this information cannot be provided about all individuals

people who have no payment notes - but only about individuals

people who have no payment notes, who are part of a cluster of 2228 people who also have no payment notes - missing in this case meaning. Anyone who takes part in the information on the website receives one

unequivocal finding that payment notes are missing for the person who

searched in cases where such information is available. It thus constitutes a finding relating to an individual's financial circumstances, intended to serve as a guide for the assessment of his creditworthiness. The Swedish Data Protection Authority notes that The company thereby during the period December 2018 – April 2019 has conducted credit information activities through the publication the Company itself is responsible for for on the website.

The Swedish Data Protection Authority notes that the release of credit information has not occurred in isolated cases, but is done as part of business operations and is of greater scope. Such an activity is covered by regulations of the Credit Information Act.

Section 4, first paragraph, of the Credit Information Act states that credit information activities may only be carried out with the permission of the Data Inspectorate. According to section 4

fourth paragraph of that act, however, a permit is not needed for credit information activities, insofar as it is conducted through the publication of credit information

in such a way as is referred to in the Freedom of the Press Ordinance or the Freedom of Expression Act. The website is subject to such a release certificate as

regulated in ch. 1 Sections 5-7 of the freedom of expression foundation. The Swedish Data Protection Authority notes that the Company thus has the right to operate

credit reporting activities without permission. The Swedish Data Protection Authority states

at the same time that the Company must comply with other applicable regulations in

the Credit Information Act and applicable regulations in data protection regulation.

If the wanted person is part of a cluster where one or more of the other individuals

the people have a payment remark, the user can proceed through

to order a credit report from Yellow-Belly for SEK 49.

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The Swedish Data Protection Authority finds no reason to question the Company's claim that

The company is only a reseller of Yellow-Belly's credit information when a

users purchase a full credit report through the website for 49

crowns.

Without taking a more detailed position on the substantive issue in the current case, because the question

has no significance for the question of whether the Company conducts

credit information activities or not, the Data Protection Authority does not find either

reason to question the Company's claim that the information under

the headings "Income for the current year", "Debts and payment notes" and

"Bankruptcy" in the block "Economy" must be considered a lift-off and thus

separate part of the Website that is not covered by the Company's certificate of issue, i

the situation when the user pays SEK 49 and takes part in such a complete

credit information for which Yellow-Belly is responsible.

Information about violations of law

Article 10 of the Data Protection Regulation contains restrictions on processing

of information about legal offences. Such data may only be processed by

authorities or if the processing is permitted under Union law or

national law. The Credit Information Act contains, in the part it refers to

processing of personal data, regulations that supplement

data protection regulation. The second paragraph of Section 6 of the Credit Information Act follows

that information about offenses involving crimes, judgments in criminal cases,

criminal procedural coercive measures or administrative detentions do not

may be processed in credit reporting operations without the consent of

The Swedish Data Protection Authority.

In the blocks "Summary" and "Prosecutions, judgments and legal proceedings" it is stated about the wanted person has been prosecuted in court in one or more cases concerning criminal case. If the user wants to take part in the judgments from the cases where it wanted person has been prosecuted, the user can proceed by paying SEK 99. The verdict and a summary of the current verdicts are then displayed directly on The website in the "Prosecutions, judgments and legal proceedings" block. The Swedish Data Protection Authority considers that already the information "X has been charged with a court in a legal case intended for a criminal case" constitutes information about violation of the law in the meaning of Section 6, second paragraph of the Credit Information Act. To this will allow the user to choose to collect and share themselves the judgment directly on the Website in the block in question.

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The Swedish Data Protection Authority states that the Company is in violation of Article 10 i the data protection regulation and Section 6, second paragraph of the Credit Information Act processes information about violations of the law for credit reporting purposes without The Swedish Data Protection Authority's consent.

The requirement for task minimization

In section 5, first paragraph of the Credit Information Act, it is stated that credit information activities must be conducted so that they do not lead to undue intrusion into personal integrity through the content of the information that is conveyed or otherwise way or that incorrect or misleading information is stored or disclosed.

For such processing of personal data that is covered by the data protection regulation, Article 5 of that regulation applies instead.

According to Article 5.1 c of the data protection regulation, personal data such as

are treated to be adequate, relevant and not too extensive in relation to

the purposes for which they are processed (data minimization).

It follows from these rules that in credit reporting operations it must not

is processed data other than those that are adequate and relevant for

the assessment of someone's creditworthiness. Nor should any more be processed

information than is necessary to assess the requested person's creditworthiness. At

the assessment of which data may be processed is the starting point to so

as few data as possible should be processed. Such must be prioritized during the selection

tasks that alone or together with a few other tasks can

provide the necessary knowledge needed to assess the sought

creditworthiness.

As the website includes credit information activities, the information must

which are published on the website are assessed in terms of adequacy,

relevance and extent based on a credit reporting purpose.

Several of the categories of information published on the website are adequate

and relevant for credit reporting purposes, for example address information and

marital status.

However, the Swedish Data Protection Authority considers that personal data about vehicle ownership,

estimated value of condominium or property, telephone number, zodiac sign,

popularity or neighbors' names and ages are not necessary, adequate and

relevant for assessing someone's creditworthiness.

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As regards information on vehicle ownership, such information is not available in practice

considered to mean such a quality improvement in credit reporting operations

that they should be allowed (Judgment of the County Court in Stockholm County 15 June 2001, Case no. Ö 4128-99). As regards the estimated value of the condominium or property, so this information lacks adequacy and relevance for credit reporting purposes because the information only refers to the Company's own estimates of value which also not combined with information on ownership and underlying leverage. Details of phone number, zodiac sign and popularity is irrelevant for a credit reporting purpose.

The Swedish Data Protection Authority therefore states that the Company has violated Article 5.1 c data protection regulation by processing personal data that is not adequate, relevant and excessive in relation to one credit reporting purposes.

Requirement of legitimate need and credit reference copy

The person who requests personal information, i.e. a credit report on a private person, according to section 9 first paragraph of the Credit Information Act, must have a so-called legitimate need for it. This means that he must have entered into a credit agreement or be about to enter into a credit agreement with the person in question or that this person i otherwise has reason to make an economic risk assessment regarding it questioned.

Every time a credit reporting company issues a credit report on a natural person must, according to § 11 of the Credit Information Act, at the same time and free of charge receive a written message about the information, judgments and advice which the information contains, a so-called credit report copy.

The Swedish Data Protection Authority states that the Company has not fulfilled its obligations according to the provisions of §§ 9 and 11 of the Credit Information Act i credit reporting operations.

Choice of corrective actions

The Swedish Data Protection Authority has established that the Company has conducted credit reporting activities via the MrKoll website by processing information about payment notes and thereby,

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in the credit information business processed personal data about violations of the law in violation of Article 10 of the Data Protection Ordinance and § 6 1 4 (19)

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the second paragraph of the Credit Information Act by stating, without the Data Inspectorate's consent, that the wanted person had been charged in criminal cases, partly publishing judgments against payment,

□

processed personal data in violation of the principle of data minimization in Article 5.1 c of the data protection regulation by processing several categories of data that are not adequate and relevant and too extensive for credit reporting purposes and

□

acted in violation of the provisions of §§ 9 and 11 of the Credit Information Act by not taking into account the requirements of legitimate need and credit report copy.

Possible intervention measures

If the person who has the right to carry out credit reporting activities disregards a provision in the Credit Information Act, the Swedish Data Protection Authority receives according to § 17 the Credit Information Act orders him to make a correction or notify one new condition. If the person who carries out credit information activities does not comply

what is incumbent on him according to section 11, the Data Inspection Authority can submit according to section 22 penalty.

Section 15 of the Credit Information Act states that when supervising such processing of personal data covered by the data protection regulation applies to the Data Inspectorate's powers according to section 17 of the Credit Information Act in addition to the powers that the Swedish Data Protection Authority has according to Article 58.1–58.3. data protection regulation.

In article 58 of the data protection regulation, all powers are specified as

According to the data protection regulation, the Swedish Data Protection Authority has According to Article 58.2 (a–h, j) the Data Inspectorate has a number of corrective powers available, i.a.

a. warnings, reprimands or limitations of treatment.

Pursuant to Article 58.2 (i) of the Data Protection Regulation, it appears that the supervisory authority shall impose administrative penalty fees in accordance with Article 83.

According to Article 83.2 administrative penalty fees, depending on the circumstances of the individual case, are imposed in addition to or instead of them measures referred to in Article 58.2 a–h and j. Furthermore, Article 83.2 which factors must be taken into account when deciding on administrative penalty fees must be imposed and when determining the size of the fee.

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Instead of penalty fees, in certain cases, according to recital 148 of the data protection regulation, a reprimand may be issued instead of penalty fees if it is

the matter of a minor infraction. Consideration must be given to circumstances such as the nature, severity and duration of the breach.

Penalty fees shall be imposed

The Swedish Data Protection Authority has stated above that Nusvar conducts credit reporting activities and assessed that the Company in the current processing of personal data has violated Article 5 and Article 10 data protection regulation. These articles are covered by article 83.5, which means that a higher penalty amount should be imposed.

The personal data processing that this supervision covers has meant processing of personal data about people registered in Sweden who are 16 years or older, just over eight million. Information about payment notice appears in all those cases where individuals based on cluster information about 22–28 nearby residents found to have no payment note. Information about a violation of the law has been processed in cases where the registered person has been the subject of prosecution in criminal case. It is therefore not a question of a minor violation. There is thus no reason to replace the sanction fee with a reprimand.

No other corrective action is applicable for that treatment either that happened. The company must therefore be subject to administrative penalty charges.

Circumstances of importance for determining the penalty fee size

General provisions

According to Article 83.1 of the Data Protection Regulation, each supervisory authority must ensure that the imposition of administrative penalty charges in each individual case is effective, proportionate and dissuasive.

According to Article 83.3, the administrative sanction fee may not exceed the amount of the most serious violation if it is one or the same data processing or connected data processing.

Violations of Articles 5 and 10 are covered by Article 83(5). The penalty amount therefore cannot exceed EUR 20 million or 4% of the global total

the annual turnover during the previous budget year, depending on which value is highest.

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The company started operations in 2018 and had only one reported turnover for the last month of the year. The company's turnover in 2018 amounted to SEK 399,092.

In article 83. 2 of the data protection regulation, all factors that must be taken into account when determining the size of the penalty fee. At the assessment of the size of the sanction fee must, among other things, a. account is taken of a) of the violation nature, severity and duration, b) intent or negligence, g) categories of personal data, h) how the violation came about Datainspektionen's knowledge and k) other aggravating or mitigating circumstances factor, for example direct or indirect financial gain.

The circumstances of the current case

In the Data Inspectorate's assessment of the penalty fee, consideration has been given to that information has been collected on all Swedish citizens over the age of 16, roughly eight million citizens, which have been freely available online available to the public and stakeholders. Publication of information on the website constitutes the Company's core business and the processing has taken place in profit motive. These circumstances are aggravating.

In addition, the fact that information about payment remarks is taken into account may be provided in credit reporting activities, but not information about violations of the law. The fact that this information is provided jointly risk leading to negative effects and to an extensive infringement

in the personal integrity of individuals.

Consideration has also been given to the fact that the treatment has come about

Datainspektionen's knowledge via a number of complaints from the public.

At the same time, the Swedish Data Protection Authority notes that credit information information has published for about five months, and then ceased.

During the time period the information has been published, the potential the spread effect has been extensive. For example, the website comes high up among the search hits on other major search engines and the spread, as well the possibility of gaining access to the data has thus been great.

With regard to the question of whether the violations have occurred with intent or through negligence there is nothing in the investigation to show otherwise is that

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the treatment, which among other things consisted of open publication of the information about payment notice and information about violations of the law, done intentionally.

Determining the size of the sanction amount

The amount of the sanction can, as already said, be set at a maximum of 20 million EUR. The amount of the sanction must be effective, proportionate and dissuasive.

The Swedish Data Protection Authority states that the Company is newly started and that the Company's latest annual report only covers one (December 2018) of the five months as the credit information service at www.mrkoll.se was available. It is therefore not possible to use this as a basis for the determination of the amount of the penalty fee.

The company has not further specified its turnover for 2019. One the starting point is therefore taken that the company's monthly turnover in each case

corresponds to that for December 2018, recalculated for the full year 2018, SEK 4.8m.

The Data Inspection Authority decides based on an overall assessment that the company must pay an administrative penalty fee of EUR 35,000.

The Swedish Data Protection Authority does not consider that there is reason to take any action further action due to the Company's non-compliance

the provisions of section 5 first paragraph first sentence and sections 9 and 11

the Credit Information Act on legitimate need and credit information copy

because the Company's credit information activities have now ceased.

This decision has been made by the director general Lena Lindgren Schelin after

presentation by department director Hans Kärlöf. At the final

the handling is handled by chief legal officer Hans-Olof Lindblom and the head of unit

Catharina Fernquist participated.

Lena Lindgren Schelin, 2019-12-13 (This is an electronic signature)

Appendices

Appendix 1 – How to pay penalty fee

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How to appeal

If you want to appeal the decision, you must write to the Swedish Data Protection Authority. Enter in the letter which decision you are appealing and the change you are requesting.

The appeal must have been received by the Swedish Data Protection Authority no later than three weeks from the day the decision was announced. If the appeal has been received in time

the Swedish Data Protection Authority forwards it to the Administrative Court in Stockholm for examination. The Chancellor of Justice may also, insofar as it concerns the application of

credit information act, appeal the decision to protect the public

interests. However, the time for appeals to the Chancellor of Justice is counted from it day the decision was announced.

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

Copy to: Chancellor of Justice

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