

Complaint about lack of treatment security

Date: 10-04-2019

Decision

Public authorities

Personal information noted on paper with a view to immediately after being electronically registered in a record system will, in the opinion of the Authority, be covered by the data protection rules already in the actual collection phase.

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Summary

The Danish Data Protection Agency has processed a complaint in which a person complained that a caseworker in Køge Municipality processes personal data on physical paper in such a way that outsiders can access the information and that the caseworker throws physical papers with personal data in an ordinary rubbish bin.

In the decision, the Danish Data Protection Agency has noted that it is the Authority's opinion that information collected (here noted on post its etc.) with a view to being electronically registered in a record system will be covered by the data protection rules already in the "collection phase".

In this connection, the Danish Data Protection Agency has noted that Køge Municipality has stated that the municipality processes the information on physical paper, after which the information is immediately entered in the municipality's electronic case system.

On that basis, the Danish Data Protection Agency has assumed that the Data Protection Regulation applies in relation to the complaint.

Decision

The Danish Data Protection Agency hereby returns to the case where you have contacted the Authority regarding Køge Municipality's processing of information about you.

The Danish Data Protection Agency has understood your inquiry as a complaint that a case officer in Køge Jobcenter processes personal data about you without sufficient security, as the case officer, among other things, processes information about you on physical paper in such a way that outsiders can access the information and that the case officer throws physical papers with information about you into an ordinary rubbish bin.

After a review of the case, the Danish Data Protection Agency finds no reason to express criticism of Køge Municipality's processing of personal data.

Below is a more detailed review of the case and a justification for the Danish Data Protection Agency's decision.

1. Your comments

You have stated that a caseworker in Køge Jobcenter uses a notepad and Post-Its to write information about you and other citizens, including information about social security number, name, middle name, district and information about unemployment period, so that the information is visible to outsiders.

You have further stated that the caseworker in question throws physical papers with information about you out in an ordinary rubbish bin.

Finally, you have stated that in January 2018 you have refused to allow the case officer to process information about you in the manner mentioned, just as you have contacted Køge Municipality's DPO.

2. Køge Municipality's comments

Køge Municipality has stated that it is common for job consultants / caseworkers to make their own notes on paper during a counseling interview, rather than directly in the case system on the screen.

According to Køge Municipality, the reason is that the meeting must take place in a present and trust-based atmosphere, and that it will not be possible to fulfill it if the conversation's contact is continuously interrupted by registration in the case system.

Køge Municipality has further stated that outsiders can not access the mentioned information and that the information - if this is not entered immediately after an interview - is stored in lockable lockers in the office, where the keys are not visible until they are entered in the case system.

Finally, Køge Municipality has stated that paper notes from conversations at the end of the working day according to the regulations are placed in a common locked paper container with paper for destruction / shredding and that the papers are not disposed of in an ordinary wastebasket.

Decision of the Danish Data Protection Agency

3.1. According to Article 2 (1) of the Regulation, the Data Protection Regulation applies. 1, for the processing of personal data which is wholly or partly carried out by means of automatic data processing, and for other non-automatic processing of personal data which is or will be contained in a register.

It is the Data Inspectorate's opinion that information collected (here noted on post its etc.) with a view to being electronically registered in a record system immediately will be covered by the data protection rules already in the actual "collection phase". In this connection, the Danish Data Protection Agency has noted that Køge Municipality has stated that the municipality processes information about you on physical paper, after which the information is immediately entered into the municipality's electronic case system.

The Danish Data Protection Agency therefore assumes that the Data Protection Regulation applies in relation to your complaint.

3.2. Article 32 (1) of the Data Protection Regulation 1, states that the data controller, taking into account the current technical level, the implementation costs and the nature, scope, coherence and purpose of the processing in question, as well as the risks of varying probability and seriousness of natural persons' rights and freedoms, implement appropriate technical and organizational measures to ensure a level of safety appropriate to these risks.

Article 32 (1) of the Regulation 1, letters a-d are then listed measures that may be relevant to make use of in security contexts, including i.a. pseudonymisation and encryption of personal data as well as the ability to ensure lasting confidentiality, integrity, availability and robustness of processing systems and services.

The provision of Article 32 (1) of the Data Protection Regulation 1, thus contains an obligation for the data controller to protect both sensitive information and confidential and general non-sensitive information, just as the data controller must ensure that the data controller's systems, organization and procedures are designed so that the requirements of Article 32, para. 1, complied with.

3.3. After a review of the case, the Danish Data Protection Agency finds no basis for concluding that Køge Municipality has acted in violation of the rules on processing security in Article 32 of the Data Protection Ordinance.

In this connection, the Danish Data Protection Agency has emphasized the information provided by Køge Municipality that the notes are kept inaccessible to unauthorized persons and that the notes, after registration in the case system, are placed in a locked paper container for destruction.

Finally, the Danish Data Protection Agency has noted that Køge Municipality has stated that your complaint has given Køge Jobcenter a number of general considerations, including making the disposal of notes from the interview more visible to the individual citizen, so that suspicion of poor data protection does not arise, and to accommodate if a citizen actively states that

he / she does not want notes on paper by simply entering the information in the case system along the way.