

Confidential/Registered

[CONFIDENTIAL]

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

Contact

[CONFIDENTIAL]

Topic

Decision to impose an administrative fine

Authority for Personal Data

PO Box 93374, 2509 AJ The Hague

Bezuidenhoutseweg 30, 2594 AV The Hague

T 070 8888 500 - F 070 8888 501

authority data.nl

Dear [CONFIDENTIAL],

The Dutch Data Protection Authority (AP) has decided to give the Credit Registration Office (BKR) a administrative fine of €830,000. The AP is of the opinion that BKR Article 12, fifth paragraph, of the GDPR from May 25, 2018 to April 28, 2019, because BKR is not free of charge has provided access to personal data to data subjects electronically within the framework of the law on inspection. In addition, the AP has come to the conclusion that BKR between May 25, 2018 and March 12 inclusive 2019 has violated Article 12, second paragraph, of the GDPR, because BKR has the right of access pursuant to Article 15 of the GDPR has not facilitated.

The decision is explained in more detail below. Chapter 1 is an introduction and chapter 2 describes it legal framework. In chapter 3, the AP assesses its authority, the processing responsibility and the violations. Chapter 4 elaborates on the (level of the) administrative fine and Chapter 5

contains the operative part and the remedies clause.

1

Our reference

[CONFIDENTIAL]

Date

July 30, 2019

1 Introduction

1.1 Relevant legal entities

Bureau Krediet Registratie (BKR) is a foundation with its registered office at Teisterbantlaan 2a, (4006 EB) in Tiel. BKR was founded on January 14, 1965 and is in the register of the Chamber of Commerce registered under number 11009074. BKR collects financial data of approximately 11 million stakeholders of affiliated credit providers.

1.2 Process

On 6 July 2018, the AP started an investigation into compliance with Articles 12 and 15 of the General Data Protection Regulation

Data Protection Regulation (GDPR) by BKR. Supervisors of the AP in the visited the BKR website on several occasions from 6 July 2018 to 13 November 2018 and took screenshots and downloaded files there. Finally, the AP has three written sent information requests to which BKR has responded on time.

The AP sent a draft report to BKR on February 25, 2019. BKR has this on March 12 2019 by letter given its view. Taking into account this response, the AP has issued the final report established. This report was sent to BKR in a letter dated April 17, 2019.

In a letter dated 15 May 2019, the AP sent BKR an intention to enforce. To that end also given the opportunity by the AP in a letter dated 15 May 2019, BKR by letter dated 4 June 2019 has given its opinion in writing on this intention and the final decision on which it is based report.

On June 4, 2019, an opinion session was held at the offices of the AP in which BKR also verbally explained its point of view. By e-mail dated 14 June 2019, BKR provided further information upon request information sent.

In a letter dated 17 June 2019, the AP sent the report of the opinion session to BKR. BKR has made its comments on the report on July 3, 2019, which the AP submitted to the report attached.

On July 3, 2019, the AP asked BKR for further information, which BKR has on July 12, 2019 sent.

1.3 Background and scope of the investigation

After 25 May 2018, the AP has received various complaints from those involved who argue that BKR limits raises when exercising the right of access by data subjects. It was stated in it that BKR de

2/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

does not offer electronic access to personal data free of charge and that BKR indicates that it only offers one can access the processed personal data free of charge once a year (by post). Partly in the In light of these complaints, the AP has seen reason to investigate how BKR is entitled to facilitates access.

For the sake of completeness, the AP notes that its investigation has focused on compliance with a number of requirements regarding the right of access and that it has not investigated whether the processing of personal data by BKR otherwise meets the requirements of the GDPR.

2. Legal framework

2.1 Scope GDPR

Pursuant to Article 2(1) of the GDPR, this Regulation applies to all or part of

automated processing, as well as to the processing of personal data that are in a file included or intended to be included therein.

Pursuant to Article 3(1) of the GDPR, this Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, whether or not the processing is carried out in the Union does not take place.

Pursuant to Article 4 of the GDPR, for the purposes of this Regulation:

1. "Personal data": any information about an identified or identifiable natural person ("the data subject"); [...].
2. "Processing": an operation or set of operations relating to personal data or a set of personal data, whether or not carried out by automated processes [...].
7. "Controller" means a [...] legal entity that, alone or jointly with others, fulfills the purpose of and determine the means of processing personal data; [...].

2.2 Right of access

Pursuant to Article 12(2) of the GDPR, the controller facilitates the exercise of the data subject's rights under Articles 15 to 22. [...].

Pursuant to Article 12(5) of the GDPR, the provision of the information referred to in Articles 13 and 14 the information referred to, and providing the communication and taking the measures referred to in Articles 15 to 22 and Article 34 free of charge. When requests from a data subject manifestly are unfounded or excessive, in particular because of their repetitive nature, the controller either: a) charge a reasonable fee in light of the administrative costs involved in providing the requested information or communication and

3/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

taking the requested measures; or b) refuse to comply with the request.

It is up to the controller to determine the manifestly unfounded or excessive nature of the request to show.

Pursuant to Article 15(1) of the GDPR, the data subject has the right to obtain confirmation from the controller about whether or not the data concerning him/her is processed personal data and, where that is the case, to obtain access to that personal data and of the following information: a) the processing purposes; b) the categories of personal data concerned; c) the recipients or categories of recipients to whom the personal data have been or will be provided, in particular to recipients in third countries or international organisations; d) if possible, the period during which the personal data is expected to be stored, or if that is not possible, the criteria for determining that term; e) that the data subject has the right to request the controller to have personal data rectified or erased, or that the processing of personal data concerning him is restricted, as well as the right against that to object to processing; f) that the data subject has the right to lodge a complaint with a supervisory authority; g) where the personal data is not collected from the data subject, all available information about the source of that data; h) the existence of automated decision-making, including profiling referred to in Article 22(1) and (4), and, at least in those cases, useful information about the underlying logic, as well as the importance and expected consequences of that processing for the data subject.

Pursuant to Article 15(3) of the GDPR, the controller provides to the data subject a copy of the personal data being processed. If the data subject requests additional copies requests, the controller may provide a reasonable charge a fee. When the data subject submits his request electronically and not for another scheme, the information shall be provided in a commonly used electronic form.

2.3 Administrative fine

Pursuant to Article 58, second paragraph, preamble and under i, in conjunction with Article 83, fifth paragraph, preamble and under

b, of the GDPR and Article 14, paragraph 3, of the General Data Protection Regulation Implementation Act (UAVG), the AP is authorized to impose an administrative fine with regard to violations of the GDPR.

2.3.1. GDPR

Pursuant to Article 83(1) of the GDPR, each supervisory authority shall ensure that the administrative fines imposed under this article for the activities referred to in paragraphs 4, 5 and 6 infringements of this Regulation are effective, proportionate and dissuasive in each case.

Under paragraph 2, administrative fines shall be, according to the circumstances of the specific case, imposed in addition to or instead of the provisions of Article 58, second paragraph, under a to h and under j, measures referred to.

It follows from the fifth paragraph, opening words and under b, that an infringement of the rights of data subjects under Article 12 and

Article 15 of the GDPR pursuant to paragraph 2 is subject to an administrative fine of up to €

4/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

20,000,000 or, for a company, up to 4% of total worldwide annual sales in the preceding financial year, if this figure is higher.

2.3.2 UAVG

Pursuant to Article 14, paragraph 3, of the UAVG, the AP may, in the event of a violation of the provisions of Article 83, fourth, fifth or sixth paragraph, of the Regulation, impose an administrative fine not exceeding the in amounts referred to in these members.

3. Review

3.1 Processing of personal data

BKR manages the Central Credit Information System (CKI) and offers various digital products, including the BKR Insolvency Test, BKR Sanction Test, the Politically Exposed Person (PEP) and the BKR Verification Information System (VIS).¹ In these products, BKR collects information about identifiable natural persons.² Therefore, there is processing of personal data, which is also BKR has not been disputed.

3.2 Controller

The AP is of the opinion that BKR determines the goals and means of data processing for the products CKI, BKR Insolvency Test, BKR Sanction Test, the PEP and VIS. This is how BKR determines what the data is for be used, who receives the personal data, the retention period and whether BKR personal data provided to third parties outside the European Union.³ In addition, BKR determines for the product CKI which personal data to affiliated credit providers. BKR also determines in which period the personal data must be provided.⁴ BKR also confirms itself in its privacy statement that she is the controller for these products.⁵

On the basis of the above, the AP designates BKR as the controller as referred to in Article 4, preamble and under 7, of the GDPR.

¹ With the BKR Insolvency Test, a lender can check whether a person concerned has (had) to deal with bankruptcies, suspension of payments and/or debt restructuring. Lenders can continue with BKR Sanction Test, before they granting credit, investigating whether a person concerned is on a sanctions list. In addition, lenders are required to: perform an enhanced customer due diligence before granting credit if the applicant is a politically exposed person or if the applicant does not live in the Netherlands or does not have Dutch nationality. For this they can use BKR Politically Consult Exposed Person (PEP). With the BKR Verification Information System (VIS), companies and governments can check whether an identity document is valid.

² Privacy statement BKR, 21 August 2018 and answers from the BKR to written questions from the AP, 19 December 2018.

³ BKR website and BKR privacy statement, 21 August 2018.

4 General Regulations CKI of BKR, 25 May 2018.

5 Privacy statement BKR, 21 August 2018.

5/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

3.3 Violation regarding free access to personal data

3.3.1 Introduction

It should be transparent for natural persons that their personal data is collected, used, consulted or otherwise processed and to what extent the personal data are processed or will be processed.⁶ Access to personal data ensures, among other things, that the data subject can check whether the processing is lawful. A proper interpretation of the right of access is also necessary to exercise other rights, such as the right to rectification and the right to erasure.

In accordance with the principle of transparency, information and communication related to the processing of those personal data are easily accessible and understandable, and must be clear and simple language.⁷ Transparency as a principle has therefore been codified in the GDPR.

Article 15(1) of the GDPR provides that the data subject has the right to data controller to obtain access to the personal data concerning him/her that controller are processed. Article 12(5) of the GDPR further provides that the provision of information based on the right of access in Article 15 of the GDPR should be free of charge occur. Until 24 May 2018, the controller could, pursuant to Article 39 of the Personal Data Protection Act will still charge costs for this.

Recital 59 of the GDPR clarifies the standard from Article 12 of the GDPR:

Arrangements should be in place to enable the data subject to exercise his rights under this Regulation easier to exercise, such as mechanisms to request, in particular, access to, rectification or erasure of

personal data and, if applicable, obtain it free of charge, as well as to exercise the right of objection. The controller should also provide means to submit requests electronically, especially when personal data are processed electronically. [...]

Pursuant to Article 15(3) of the GDPR, the controller provides the data subject a copy of the personal data being processed. If the data subject requests additional copies requests, the controller may provide a reasonable charge a fee. When the data subject submits his request electronically and not for another scheme, the information shall be provided in a commonly used electronic form.

In the following, the AP concludes that BKR from May 25, 2018 to April 28, 2019 has not provided personal data free of charge to data subjects when they request it by electronic means requested access. BKR thereby violated Article 12(5) of the GDPR.

3.3.2 Facts

BKR offers two options on its website to gain access to the personal data that BKR processed. The first possibility of access is a paid service (subscription) that data subjects who 6 Recital 39 of the GDPR.

7 Ditto.

6/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

request access to their personal data, provide access to an electronic customer environment. Three subscription types are offered by BKR: Basic at 4.95 euros per year, Plus at 7.50 euros per year and Premium at 12.50 euros per year.⁸

The second possibility is that the data subjects download an inspection form via the website, which print it out, fill in the form manually and send it by post together with a copy of the

Send ID to a PO Box number. BKR does not require payment for this method of inspection.⁹

In its opinion, BKR has indicated that in accordance with the AVG it has facilitated the right of access by to set up a simple and clear procedure and leave the consumer the choice: the consumer can opt for inspection by post or inspection by electronic means.¹⁰ In addition, BKR has confirmed that they have the above-mentioned three paid subscription forms for the electronic access in personal data in the period from 25 May 2018 to 28 April 2019.¹¹ On 29 April 2019 BKR has introduced a free electronic inspection.¹²

3.3.3 Assessment

Data subjects can request access to their personal data from BKR electronically. BKR then provides the personal data to data subjects electronically, which is in line with Article 15(3) of the GDPR. It states that following an electronically submitted request the information must also be provided in a commonly used electronic form, if the data subject does not request a different arrangement.

Pursuant to Article 12, fifth paragraph, of the GDPR, BKR must then provide access to the data free of charge personal data. However, it is not possible for a data subject to electronically to obtain access to the personal data that BKR processes about him or her. The person concerned must pay for the (first) access to the personal data (minimum 4.95 euros). The AP is therefore believes that BKR has violated Article 12, fifth paragraph, of the GDPR, now that BKR does not personal data provided free of charge to data subjects when they requested access by electronic means.

BKR view and AP response

In its view, BKR states that it does not agree with the conclusion of the AP that BKR Article 12, fifth paragraph, violates the GDPR. BKR believes that, with due observance of Article 5 of the GDPR, it does not have an inspection process via e-mail because BKR is not allowed to process BSN, among other things. In addition, BKR is of the opinion whereas Recital 59 of the GDPR underlines that the parallel offering of a free access by post and a paid electronic access is in line with the GDPR.

⁸ BKR website, Data retrieval section, 21 August 2018.

9 Website BKR, part of the AVG access, 21 August 2018.

10 Written opinion BKR dated 3 June 2019, p. 6.

11 Discussion report of the opinion session dated 17 June 2019, p. 21 and 22.

12 Written opinion BKR dated 3 June 2019, p. 11 and Discussion report of the opinion session of 17 June 2019, p. 21 and 22.

7/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

Finally, BKR has indicated that in the case of electronic inspection, the consumer receives an electronic choose a product that gives him 'access for a year'. The repetitive character is thus established. Therefore according to BKR, on the basis of Article 12(5) and Article 15(3) of the GDPR, a reasonable fee will be charged.¹³

The AP does not follow BKR in this. Firstly, a controller may be personal data in general information to the data subjects via various electronic means. For the determination whether this provision is made free of charge is irrelevant whether or not BKR does this in the form of an e-mail can perform. Second, it does not follow from recital 59 of the GDPR that a controller in addition to a free inspection by post, may also use a paid electronic inspection. This consideration states that the controller should also provide means for requests electronically, especially where personal data is processed electronically.

Article 12(5) of the GDPR and the first sentence of Recital 59 of the GDPR then emphasize it is correct that this arrangement should be made free of charge for inspection.

Finally, the AP BKR does not follow the position that the repetitive nature of its electronic product of the access requests from data subjects is established. Data subjects who access more than once a year want in their personal data, are forced to take out a subscription with BKR. According to BKR is aware of the repetitive nature of the requests, regardless of how often the data subject uses each year

makes the subscription. BKR is therefore of the opinion that it may request a fee. The AP considers this a purposeful reasoning based on a previously possibly incorrect assumption where BKR is a established method. The fact that a data subject can inspect for a year after payment accessing the data in a digital portal does not mean that we can speak of requests with a repetitive character. After all, BKR already requests an electronic inspection at the first inspection compensation. At that time, in any case, there is no question of a repetitive character. If the after the first inspection, the person concerned again requests multiple inspections in a short period of time, then it is pursuant to Article 12(5) of the GDPR to BKR to demonstrate on a case-by-case basis whether there is a excessive request for which a reasonable fee may be charged. In addition, BKR . has stated that the vast majority of those involved submit a request for access once a year. Once a year In the opinion of the AP, requests for inspection are not so much that this is generally necessary can be qualified as an excessive request by a data subject due to its repetitive nature of it.

3.3.4 Conclusion

In view of the foregoing, the AP is of the opinion that BKR Article 12, fifth paragraph, of the GDPR from 25 May 2018 up to and including 28 April 2019, now that BKR cannot electronically access has provided personal data to data subjects in the context of the right of access.

13 Written opinion BKR dated 3 June 2019, p. 6 and 8, and Discussion report of the opinion session of 17 June 2019, p. 8.
8/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

3.4 Violation of facilitating the right of access

3.4.1. Introduction

Under the principle of transparency, the controller should exercise the

facilitating the data subject's rights, such as the right of access. As mentioned before, information and communications related to the processing of those personal data easily accessible and understandable and use clear and simple language.¹⁴ Access to personal data ensures, among other things, that the data subject can check whether the processing is lawful. A good one The interpretation of the right of access is also necessary to be able to exercise other rights, such as the right to rectification and the right to erasure.

Pursuant to Article 12, paragraph 2, of the GDPR, the controller must facilitate the rights of the data subject under - inter alia - Article 15 of the GDPR. In Recital 63 of the GDPR further states that the data subject should have the right to access the personal data collected about him, and to exercise that right simply and at reasonable intervals to practice.

In the following, the AP concludes that BKR from May 25, 2018 to March 12, 2019 Article 12, second paragraph, of the GDPR, because BKR with its policy, which states that one a request for inspection can be made by post once a year, the right of inspection pursuant to Article 15 of the GDPR has not facilitated.

3.4.2 Facts

BKR has communicated to those involved that the possibility to access free of charge by post the personal data processed by BKR of a data subject is limited to once a year. This turns out first of all from the privacy statement of BKR. It says¹⁵:

“Everyone has the right to receive once a year, free of charge, all personal and credit data registered in the CKI. to see. The inspection will be provided on paper to the specified home address. [...]

If you want to have access to your data in the PEP registration system, you can use the same form as for access to your personal data in the Central Credit Information System (CKI). This inspection is also made once a year given free of charge.[...]

If you want to have access to your data in the VIS registration system, you can use the same form as for access to your personal data in the Central Credit Information System (CKI). This inspection is also made once a year

given free of charge.”

The AP also notes that BKR actively promotes this policy on its website. On the webpage with title

'Requesting Data' describes BKR a step-by-step plan with which a data subject can access his/her own data

see. A text block at the bottom of this page is entitled 'AVG access'. There, BKR states the following:

14 Ditto.

15 Privacy statement BKR, 21 August 2018.

9/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

You can inspect your data once a year, free of charge. Do you want quick insight or do you need the overview for credit applications? Then choose BKR Basic, Plus or Premium. The AVG access will be on paper within 28 days delivered.¹⁶

After clicking the 'Continue' button, a web page titled 'GDPR View' will appear. On this page the above can be read in exactly the same terms.¹⁷

E-mails that the AP has received from data subjects also show that data subjects are

BKR have complained about the fact that they can only access their data by post once a year

personal data processed by BKR. For example, on May 30, 2018, a data subject requests an email to info@bkr.nl

why the right of access can only be exercised once a year. In the reply to that email

mail, BKR writes on 7 June 2018: 'And finally, the AVG Act speaks about free right of access with reasonable intervals. For this, BKR has opted for free inspection once a year.'¹⁸

In an email dated June 19, 2018, BKR wrote to another data subject: "From May 25, 2018 you have the right to request a free overview of your data from Stichting BKR once a year. At [https://www.bkr.nl/opvragen-details/see how to do this](https://www.bkr.nl/opvragen-details/see-how-to-do-this). With this we meet the GDPR requirements."¹⁹

During the opinion session, BKR indicated that in practice it has received several requests for inspection per

year and that the applications submitted via the AVG application forms by post do not costs for the consumer. In addition, BKR has stated that it does want to prevent really excessive access is requested.²⁰ Finally, BKR has indicated that, on the basis of the report Association of Consumer ACCIS 2017 Survey of Members, Analysis of Credit Reporting in Europe Credit Information Suppliers ²¹ and own experience, with the above policy fleshed out given to the term “reasonable intervals” from the GDPR.²²

BKR has confirmed that it has adhered to the above-mentioned policy on the right of access from 25 May 2018 to with March 12, 2019 via the privacy statement and the website. As of March 13, 2019, BKR discontinued this communication.²³

3.4.3 Assessment

BKR, as the controller, must, pursuant to Article 12, second paragraph, of the GDPR, facilitate the exercise of the right of access. The data subject must exercise this right simply and with reasonable exercise at intervals.

¹⁶ BKR website, Data retrieval section, 21 August 2018.

¹⁷ Website BKR, part of the AVG access, 21 August 2018.

¹⁸ Communication sent between a complainant and the BKR, received by the AP on October 10, 2018.

¹⁹ Complaint form received by the AP on June 22, 2018.

²⁰ Interview report of the opinion session on 17 June 2019, p. 13.

²¹ Association of Consumer Credit Information's 'ACCIS 2017 Survey of Members, Analysis of Credit Reporting in Europe' Suppliers, March 2018.

²² Interview report from the opinion session on 17 June 2019, p. 7.

²³ Written opinion BKR dated 3 June 2019, p 11. and Interview report from the opinion session dated 17 June 2019, p. 27.

10/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

It follows from the facts described above that BKR has actively propagated the policy to those involved that data subjects by post have the right to inspect all personal data once a year, free of charge, that this inspection is given by BKR once a year free of charge and the data subject once a year can inspect free of charge.

The AP is of the opinion that by propagating this policy, BKR respects the right of access of the data subject hinders. With this, BKR raises a threshold. Maximizing one free access request per mail per year does not qualify as facilitating the right of access as referred to in Article 12, second paragraph, of the GDPR. BKR should facilitate and not complicate the right of access by using the disseminating the above policy to discourage data subjects in advance from exercising the right of access to practice.

The AP comes to the conclusion that BKR has violated Article 12, second paragraph, of the GDPR, because BKR with its policy, which states that a request for inspection can be made once a year by post, has not facilitated the right of access under Article 15 of the GDPR.

BKR view and AP response

BKR does not agree with the position of the AP. BKR uses the principle that once a year free inspection is considered a reasonable term. Research by Association of Consumer Credit Information Suppliers (ACCIS) finds that on average, consumers make a request for access to their credit status. BKR also notes that at 'reasonable intervals' as mentioned in recital 63 concerns an open standard that has not yet been completed by the AP. And given the practical experience, which shows that inspection once a year fits in perfectly with the information needs of the consumer, BKR does not find it strange that they have an access option that is more than once a year qualifies as 'repetitive' or as an 'additional copy'.

In any case, according to BKR, there has been no threshold, because in practice they have the right of access (on writing, free) has facilitated more than once a year.

In addition, BKR does not agree with the AP that a request for access requires an individual assessment

person concerned assumes. According to BKR, it can be concluded on the basis of Article 12, fifth paragraph, of the GDPR:

that a request for access with a repetitive character may be qualified as 'excessive'.

Article 12(5) of the GDPR refers to requests that are excessive, with

especially because of their repetitive nature. According to BKR, it is not necessary to establish such a character

(extensive) individual assessment required. Finally, BKR takes the position that the GDPR is correct

does offer the possibility to give substance to the motives of the data subject to access

desire. It is up to the controller to determine and maintain a repetitive nature

act on the options provided by law in such a situation.

The AP does not follow the view of BKR. Insofar as BKR's policy of free inspection of once a year

year by referring to the report 'ACCIS 2017 Survey of Members, Analysis of Credit Reporting in

Europe' of ACCIS and other credit reference agencies, the AP BKR does not follow. The table on page 26 of

11/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

the report shows how much data subjects had to pay in 2017 to submit their credit status report

at 32 European credit reference agencies. From the fact that 8 out of 32 bureaus (respondents) in 2017

once a year offered free access, does not follow that consumers on average once a year

request access to their credit status. Notwithstanding the fact that this report is not relevant to the

interpretation of the right of access and that this cannot be an argument for BKR to adopt a similar policy

handle. Secondly, the AP emphasizes that it has not assessed whether BKR actually provides access to a

data subject who requests access to personal data more than once a year. The AP has

assessed whether the policy propagated with regard to the right of access by BKR is in line with Article 12, second

member of the GDPR.

Furthermore, on the basis of Article 12, fifth paragraph, of the GDPR, BKR may only refuse the request for access

where requests from a data subject are manifestly unfounded or excessive, in particular because of the repetitive nature of the request for access. In this regard, the AP first of all notes that Article 12, fifth paragraph, of the GDPR presupposes an individual assessment of a request from the data subject. In this Article provides that a refusal to comply with a request can only take place if if the request is manifestly unfounded or excessive. This requires an assessment at the time it request has been submitted and prior to a substantive handling of the request. In the last sentence Article 12(5) of the GDPR also states that the controller is the apparent the excessive nature of the request. The word "request" here is singular. Seen the text and the intention of Article 12, fifth paragraph, of the GDPR, BKR will thus have to be assess whether there is an excessive request. Finally, BKR's policy is also not in line with Recital 63 of the GDPR stating that data subjects should have the right to exercise the right of access easily and at reasonable intervals. BKR facilitates the propagation of its policy via the website, privacy statement and e-mails do not have the right to access.

3.4.4 Conclusion

In view of the foregoing, the AP concludes that BKR between May 25, 2018 and March 12, 2019 has violated Article 12, second paragraph, of the GDPR, because BKR has the right of access pursuant to Article 15 of the GDPR has not facilitated.

3.5 Full access to personal data

3.5.1 Introduction

It should be transparent for natural persons that their personal data is collected, used, consulted or otherwise processed and to what extent the personal data are processed or will be processed.²⁴ Access to personal data ensures, among other things, that the data subject can check whether the processing is lawful.

Pursuant to Article 15(1) of the GDPR, the data subject has the right to to obtain confirmation from the controller about whether or not the data concerning him/her is processed personal data and, where that is the case, to obtain access to that personal data.

24 Recital 39 of the GDPR.

12/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

The AP has investigated whether BKR gives data subjects access to all personal data that they have about the data subject processed. In the following, the AP concludes that BKR pursues a policy that BKR does not provide full access to personal data. However, the AP has not established that BKR also has actually provided incomplete access to individual data subjects, which constitutes a violation of Article 15(1) of the GDPR has not been established.

3.5.2 Facts

As mentioned in paragraph 3.1, BKR manages the CKI and offers various digital products including the BKR Insolvency Test, the BKR Sanction Test, the Politically Exposed Person (PEP) and the BKR Verification Information System (VIS). In these products, BKR uses data about identifiable natural persons.

BKR stated the following during the investigation:²⁵

“With the AVG access, the data subject receives in addition to the personal data that are in the CKI relating to him/her processed, information whether he/she is registered as a politically exposed person and a notification about the validity of the document with which he/she has identified himself. Because this personal data is not yet available can be accessed digitally, these communications are not included with the paid services. In addition, with the paid services do not place the identification with a copy ID.

The personal data in the context of insolvency and sanctions assessments are derived from public databases and are not accessible through the access requests.”

BKR has further indicated in its opinion that with regard to the insolvency and sanctions test, it those involved refers to the source registers that are publicly accessible.²⁶ In addition, BKR

stated that from May 28, 2019, in addition to the CKI, it will now also offer electronic access to personal data that BKR processes in its other products.²⁷ Finally, BKR has indicated that it takes technical measures to also provide access by post to personal data that BKR processes in the context of the insolvency and sanctions test. The planned entry date for this is September 3, 2019.²⁸

3.5.3 Assessment

As a controller, BKR processes various personal data in its products.

Article 15(1) of the GDPR indicates that the data subject has the right to access the personal data concerning him that a controller processes. However, BKR has stated that, following a request from the data subject, it does not provide access to all personal data that it incorporated. As a result, the data subject remains in ignorance of some of his data that the BKR processed.

²⁵ Written response BKR of 9 November 2018, p. 4, answer to question 2.

²⁶ Written opinion BKR dated 3 June 2019, p. 8 and 10.

²⁷ Written opinion BKR dated 3 June 2019, p. 11.

²⁸ Written response from BKR dated 12 July 2019, answer to question 1b.

13/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

The AP is of the opinion that BKR has a policy that BKR does not offer full access to personal data. However, the AP has not established that BKR has actually provided incomplete access to individual data subjects, with whom a violation of Article 15(1) of the GDPR has not occurred to stand firm.

In addition, BKR has stated in its opinion that it already offers full electronic access to personal data and explained this in more detail during the opinion session on the basis of examples.

Furthermore, BKR has stated that it will take measures at the beginning of September to also send complete by post to provide access to personal data. With this, BKR has adjusted the aforementioned policy, or will do this so that it no longer conflicts with Article 15(1) of the GDPR.²⁹

3.5.4 Conclusion

The AP concludes that BKR pursues a policy that BKR does not offer full access to personal data. However, the AP has not established that BKR actually has incomplete access has bid to individual data subjects, which constitutes a violation of Article 15(1) of the GDPR has not been established.

3.6 Other parts of the view

In addition to the above-mentioned view, BKR has put forward a number of other views. The AP briefly explains these points from BKR's view below, with a response from the AP.

BKR argues that the AP acted contrary to the due care requirements. First, the AP has in explained in the investigation report that she started her investigation after complaints, while the AP telephoned indicated that an ex officio investigation is underway. Secondly, the AP has in the report the reason for the investigation was exaggerated, because of the six complaints there were tips that were not qualify as a complaint. According to BKR, the number of four complaints also falls in the aforementioned period insignificant compared to the total number of persons involved in the CKI, the total received access requests and the number of complaints that the AP has received as of May 25, 2018. The report contains also suggestive passages. Thirdly, according to BKR, the AP has acted in violation of Article 8.1 of its own Disclosure Policy of 12 January 2016 (hereinafter: Disclosure Policy) by to tweet that the AP was dealing with various complaints against BKR about the right of inspection, without this message to BKR first.³⁰ In accordance with Article 8.1 of the Policy Rules, disclosure must be after all, every communication about an investigated (legal) person has to be sent to that (legal) person submitted.

The AP does not follow the view of BKR. First, with reference to settled case-law, no prior reasoning fact, signal, ground or suspicion required for the exercise of

supervisory powers and the initiation of an investigation. The number and content of the AP

29 The AP will check whether BKR offers data subjects full access to personal data.

30 AP Twitter message of 12 December 2018 with the text: 'We have various complaints about BKR and the right to access. Privacy Act #AVG has clear rules regarding the right of access and the compensation for this. Would you like to know more about the right of access?

See authority data.nl/nl/zelf-doen/p... ... @BKR_TIEL'

14/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

received signals is therefore not relevant in this context.³¹ In this case, the AP has given reason in the complaints seen to investigate compliance with the GDPR by BKR. The AP has its findings subsequently actually recorded in the research report. Whether or not it has been announced in advance what the was the reason for the use of supervisory powers affects the lawfulness and due care from the investigation.

Secondly, the AP also does not follow the position of BKR that the AP has acted in violation of Article 8.1 of the Disclosure Policy. Regardless of whether the twitter message falls under this article, the the content thereof does not directly relate to the investigation conducted or the present decision and nor does it affect the requirements of due care and lawfulness.

BKR has further argued that the AP has requests from BKR to consult on solutions rejected, as a result of which BKR has been deprived of the opportunity to quickly come to a workable solution. Also has according to BKR, the AP acted carelessly because the AP accepted the promise of BKR that it will take the necessary will take steps to accommodate findings, ignored and did not include in the final findings report. Finally, BKR states that the AP also measures with two standards, because, according to its annual report, the AP has entered into discussions with organizations that

sell personal data.

The AP also does not follow this view of BKR. The basic principle is that BKR has its own is responsible for complying with the provisions laid down therein from the entry into force of the GDPR rules.³² The AP does not have to enter into consultations during the investigation phase, but the The controller can always submit changes to his or her working method to the DPA. BKR was given the opportunity during the opinion session to express its view on the content of the findings of the AP and the intention to put forward enforcement. As a result, BKR is not in damaged her defense. Finally, the AP can take the argument that the AP measures double standards by using other organizations that sell personal data do not follow the conversation.

Regardless of which parties the AP talks to, it does not preclude the AP's authority to enforcement for obvious violations.

Based on BKR's view, the AP sees no reason to come to other conclusions.

31 Cf. CBb October 12, 2017, ECLI:NL:CBB:2017:326, CBb October 12, 2017, ECLI:NL:CBB:2017:327, Rb. Rotterdam 23 May 2019, ECLI:NL:RBROT:2019:4155.

32 See also CBb 25 June 2013, ECLI:NL:CBB:2013:4, r.o. 2.3, CBb January 25, 2017, ECLI:NL:CBB:2017:14, r.o. 5.2, CBb March 8, 2017, ECLI:NL:CBB:2017:91, r.o. 6.

15/23

Our reference

[CONFIDENTIAL]

Date

July 30, 2019

4. Fine

4.1 Introduction

BKR has not provided electronic inspection free of charge from 25 May 2018 to 28 April 2019

in personal data given to data subjects in the context of the right of access. In addition, BKR . has from 25 May 2018 up to and including 12 March 2019 communicated to those involved that the possibility of sending by post to obtain access to the personal data that BKR processes concerning the person concerned, is limited to: once a year. With this, BKR has not facilitated the right of access.

The AP uses its power to fine BKR in both established violations pursuant to Article 58, second paragraph, preamble and under i and Article 83, fifth paragraph, of the GDPR, read in conjunction with article 14, paragraph 3, of the UAVG. The AP uses the Fine Policy Rules for this 2019.33

In its view, BKR has argued that the 2019 Fine Policy Rules did not were applicable and therefore unforeseeable for BKR, which is contrary to the provisions of Article 3:4, second member, General Administrative Law Act containing the prohibition of arbitrariness. The AP does not follow BKR in this. Like stated on page 19 of the 2019 Fines Policy, this policy relates to determining the amount of a fine for reasons of legal equality and legal certainty. Applying the Fines policy rules 2019 prevents arbitrariness.

In the following, the AP will first briefly explain the fine system, followed by the motivation of the amount of the fine in the present cases.

4.2 Fine Policy Rules of the Dutch Data Protection Authority 2019 (Fining Policy Rules 2019)

Pursuant to Article 58, second paragraph, preamble and under i and Article 83, fifth paragraph, of the GDPR, read in in connection with article 14, third paragraph, of the UAVG, the AP is authorized to grant BKR in the event of a violation of Article 12, second paragraph, and Article 12, fifth paragraph, of the GDPR to impose an administrative fine until €20,000,000 or up to 4% of total worldwide annual turnover in the previous financial year, if this figure is higher.

The AP has established Fine Policy Rules 2019 regarding the interpretation of the aforementioned power to imposing an administrative fine, including determining the amount thereof.³⁴

Pursuant to Article 2, under 2.2, of the 2019 Fine Policy Rules, the provisions with regard to violation of which the AP can impose an administrative fine not exceeding the amount of € 20,000,000 or, for

a company, up to 4% of the total worldwide annual turnover in the previous financial year, if this figure higher, classified in Annex 2 as Category I, Category II, Category III or Category IV.

33 Stct. 2019, 14586, March 14, 2019.

34 Ditto.

16/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

In Annex II, Article 12, second paragraph, of the GDPR is classified in category III. Article 12(5) of the GDPR is classified in category II.

Pursuant to Article 2, under 2.3, the AP sets the basic fine for violations for which a statutory maximum fine of € 20,000,000 or, for a company, up to 4% of the total worldwide annual turnover in the previous financial year, if this figure is higher, [...] fixed within the next fine bandwidth:

Category II: Fine range between €120,000 and €500,000 and a basic fine of €310,000. [...].

Category III: Fine range between €300,000 and €750,000 and a basic fine of €525,000. [...].

Pursuant to Article 6, the AP determines the amount of the fine by increasing the amount of the basic fine (up to at most the maximum of the bandwidth of the fine category linked to a violation) or down (to at least the minimum of that bandwidth). The basic fine will be increased or decreased depending on the extent to which the factors referred to in Article 7 to that end give rise to.

Pursuant to Article 7, without prejudice to Articles 3:4 and 5:46 of the General Administrative Law Act (Awb) taking into account the factors derived from Article 83, second paragraph, of the GDPR, in the Policy rules mentioned under a to k:

the nature, seriousness and duration of the infringement, taking into account the nature, scope or purpose of the infringement

processing in question as well as the number of data subjects affected and the extent of the damage suffered by them injury;

b. the intentional or negligent nature of the infringement;

c. the measures taken by the controller [...] to address the data subjects suffered limit damage;

d. the extent to which the controller [...] is responsible given the technical and organizational measures that he has carried out in accordance with Articles 25 and 32 of the GDPR;

e. previous relevant breaches by the controller [...];

f. the extent to which there has been cooperation with the supervisory authority to remedy the breach and limit the possible negative consequences thereof;

g. the categories of personal data to which the breach relates;

h. the manner in which the supervisory authority became aware of the infringement, in particular whether, and if so, to what extent, the controller [...] has notified the breach;

i. compliance with the measures referred to in Article 58, paragraph 2, of the GDPR, insofar as they are previously with regard to the controller [...] in question with regard to the same matter have been taken;

j. adherence to approved codes of conduct in accordance with Article 40 of the GDPR or of approved certification mechanisms in accordance with Article 42 of the GDPR; and

k. any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial gains made, or losses avoided, arising directly or indirectly from the infringement result.

17/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

Pursuant to Article 10, in the event of multiple violations relating to the same or related involving processing activities, the total fine does not exceed the statutory maximum fine of the most serious offence.

4.3 Systematics

With regard to violations for which the AP can impose an administrative fine of up to the amount of €20,000,000 or up to 4% of the total worldwide annual turnover in the previous financial year, if this figure is higher, the AP has classified the violations into three categories in the 2019 Fine Policy Rules, to which hefty administrative fines are attached. The fine categories are ranked according to the seriousness of the violation of the aforementioned articles, with category I being the least serious offenses and category III or IV the most serious offences.

The violation of Article 12, second paragraph, of the GDPR is classified in category III, for which a fine range between €300,000 and €750,000 and a basic fine of €525,000 has been set. A violation of Article 12, fifth paragraph, of the GDPR is classified in category II, for which a fine range between € 120,000 and € 500,000 and a basic fine of € 310,000 has been set. the AP uses the basic fine as a neutral point of departure. The amount of the fine is determined by the AP pursuant to Article 6 of the Fines Policy Rules 2019 on the basis of the factors referred to in Article 7 of the Fines Policy Rules 2019, by decreasing or increasing the amount of the basic fine.

In the cases at hand, this concerns an assessment of the nature, seriousness and duration of the violation in the specific case. In principle, within the bandwidth of the violation linked fine category. The AP may, if necessary and depending on the extent to which the aforementioned factors give rise to this, the penalty bandwidth of the next higher or apply the next lower category.

4.4 Fine for violation of free access to personal data

4.4.1. Nature, seriousness and duration of the infringement

Pursuant to Article 7, opening words and under a, of the Fine Policy Rules 2019, the AP takes into account the nature, the seriousness and duration of the infringement. In its assessment, the AP takes into account, among other things, the nature,

the

scope or purpose of the processing as well as the number of data subjects affected and the scope of the data suffered damage to them.

The GDPR aims to provide effective protection of personal data. This requires the amplification and further description of the rights of the data subject and of the obligation of those who process personal data.³⁵ Article 12(5) of the GDPR obliges controllers

to provide, in principle, free access to personal data to data subjects. access to

personal data regarding credit registrations is of great importance. A negative credit registration can

³⁵ Recital 11 of the GDPR.

18/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

have consequences for obtaining a loan or mortgage. Free access enables data subjects

able to easily take cognizance of which personal data a

data controller and whether they are being processed lawfully. A good interpretation of

the right of access is also necessary to be able to exercise other rights, such as the right to

rectification and the right to erasure. By requesting a fee for the electronic

way of obtaining access to personal data, BKR has one of the most important principles, namely:

violated the principle of transparency of the GDPR.

From May 25, 2018 to April 28, 2019, BKR has not provided electronic access to . free of charge

personal data to data subjects in the context of the right of access.³⁶ This violation therefore has

took place in a structural manner for more than eleven months and continued for a long period of time. It went

hereby to many personal data regarding credit registrations, which by their nature are more sensitive than

for example a name or age.

In 2018, BKR processed financial data of ten million Dutch data subjects. By the violation of BKR, a large number of those involved have been affected. In the period of May 25, 2018 alone until September 14, 2018 [CONFIDENTIAL] data subjects have the paid subscription Basic bought at BKR, to be able to access the relevant information electronically personal data.³⁷ By violating Article 12, fifth paragraph, of the GDPR, BKR has can generate revenue. Given the duration and nature of the violation, the large number of victims affected persons involved and the income obtained, in the opinion of the AP there was a serious situation in which data subjects could not exercise the right of access under the right conditions. A violation of Article 12(5) of the GDPR is classified in category II, for which a fine range between € 120,000 and € 500,000 and a basic fine of € 310,000 has been set. In view of the seriousness of the violation, the AP sees reason to adjust the basic amount of the fine on the basis of: Article 7, opening words and under a, of the 2019 Fine Policy Rules to be increased by € 75,000 to € 385,000.

4.4.2 Blame

Pursuant to Article 5:46, second paragraph, of the Awb, when imposing an administrative fine, the AP into account the extent to which this can be blamed on the offender.

According to Article 12(5) of the GDPR, the provision of the communication and the the measures referred to in Articles 15 must be carried out free of charge. From a professional party such as BKR may, also in view of the nature and scope of the processing, be expected to be fully aware of the verify and comply with applicable standards.

BKR has consciously, in advance, requested fees for obtaining electronically access to personal data, while in principle access must be provided free of charge. This is just otherwise where requests from a data subject are manifestly unfounded or excessive. BKR has figured it out

³⁶ The period before 25 May 2018 has not been taken into account in connection with other applicable legislation.

³⁷ Written response BKR dated November 9, 2018, p. 5, answer to question 4.

July 30, 2019

Our reference

[CONFIDENTIAL]

its conduct failed to assess per individual request for access whether a data subject manifestly has made unfounded or excessive access requests, so that it should have access free of charge provide. With this course of action, BKR has hindered the right of access of the data subject. The AP considers this culpable.

4.4.3 Other circumstances

The AP sees no reason to increase the basic amount of the fine on the basis of the other provisions in Article 7 of the Circumstances referred to in the Penalty Policy Rules 2019, to the extent applicable in the present case, to increase or decrease. Insofar as BKR has argued that the violation was of short duration, because it offers electronic inspection free of charge from 29 April 2019, the AP does not follow this reasoning. As mentioned in section 4.4.1, the AP considers a structural violation of eleven months as a violation of long duration.

BKR has further argued that it responded in a special way during the investigation phase to: requests from the AP, namely through the electronic access option and communication about the the manner in which the right of access can be exercised. In addition, BKR has a oral interview to explain her choices about the right of access, which is by the AP turned down. The AP is of the opinion that BKR's cooperation did not go further than its legal obligation duty to comply with Article 32(1) of the GDPR and finally on March 13, 2019 and April 29, 2019 to Article 12, second paragraph, and Article 12, fifth paragraph, of the GDPR. BKR has therefore not in a special way cooperated with the AP. Moreover, after the announcement of the investigation by the AP on 5 September 2018 the violations did not end in the short term.

The AP sets the fine for violation of Article 12, fifth paragraph, of the GDPR in view of the previous fixed at € 385,000.

4.5 Fine for violation of facilitating the right of access

4.5.1 Nature, seriousness and duration of the infringement

Pursuant to Article 7, under a, of the Fine Policy Rules 2019, the AP takes into account the nature, seriousness and the duration of the infringement. In assessing this, the AP takes into account, among other things, the nature, size or purpose of the processing as well as the number of data subjects affected and the extent of the damage suffered by them injury.

Under the principle of transparency, the controller must, pursuant to Article 12, second paragraph of the GDPR, the exercise of the data subject's rights under - inter alia - facilitate article 15 of the GDPR. It is essential for data protection that data subjects are can access personal data easily and at reasonable intervals at BKR about credit registration. This enables the data subject to easily to find out which personal data a controller processes and whether this be processed lawfully. A proper interpretation of the right of access is also necessary in order to exercise rights, such as the right to rectification and the right to erasure.

20/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

BKR violated Article 12, second paragraph, of the GDPR from 25 May 2018 to 12 March 2019.³⁸ The maximizing one free access request per post per year does not qualify as sufficient facilitating the right of access as referred to in Article 12, second paragraph, of the GDPR. This violation of more than nine months has thus continued in a structural manner for a long period. It was about hereby to many personal data regarding credit registrations, which by their nature are more sensitive than for example a name or age.

In addition, a large number of those involved were affected by this violation. Only in the period 25 May 2018 up to and including 14 September 2018, more than 10,000 data subjects have access to the data concerning them by

post

personal data requested from BKR.³⁹ During the access requests, BKR explicitly informed these data subjects

Please note that a request for inspection can be made once a year. These stakeholders, but also

others involved who have heard of this policy through various means of communication from BKR

were discouraged from submitting a request for access. In view of this, as well as the duration and nature

of the violation, in the opinion of the AP, there was a serious situation in which BKR

has not facilitated the right of access by post.

The violation of Article 12, second paragraph, of the GDPR is classified in category III, for which a

fine range between €300,000 and €750,000 and a basic fine of €525,000 has been set.

In view of the seriousness of the violation, the AP sees reason to adjust the basic amount of the fine on the basis of:

Article 7, opening words and under a, of the Fine Policy Rules 2019 to be increased by € 125,000 to € 650,000.

4.5.2 Blame

Pursuant to Article 5:46, second paragraph, of the Awb, when imposing an administrative fine, the AP

into account the extent to which this can be blamed on the offender.

BKR, as the controller, must, pursuant to Article 12, second paragraph, of the GDPR,

facilitate the exercise of the right of access. With its propagated policy, BKR has the right of access

by post not facilitated. BKR has consciously pointed out to those involved in advance that they

can only be inspected free of charge once a year. The AP is of the opinion that BKR with propagating

of this policy has hindered the right of access of the data subject. The person concerned must simply and with

can exercise the right of access at reasonable intervals. From a professional party such as BKR,

taking into account the nature and scope of the processing, they are expected to be fully aware of the

verify and comply with its applicable standards. BKR has failed to adapt its policy to the

guarantees that the GDPR gives to the right of access. The AP considers this culpable.

4.5.3 Other circumstances

The AP sees no reason to increase the basic amount of the fine on the basis of the other provisions in Article 7 of the

Circumstances referred to in the Penalty Policy Rules 2019, to the extent applicable in the present case,

to increase or decrease. Insofar as BKR has argued that the violation was of short duration, because

38 The period before 25 May 2018 has not been taken into account in connection with other applicable legislation.

39 Written response BKR dated 24 September 2018, p. 7, answer to question 5.

21/23

Date

July 30, 2019

Our reference

[CONFIDENTIAL]

she has adjusted her communication about the right of access from 13 March 2019, the AP follows this

not reasoning. As mentioned in section 4.5.1, the AP considers a structural violation of nine

months as a long-term infringement. For the other view put forward by BKR and the response

of the AP on this, the AP refers to paragraph 4.4.3.

The AP sets the fine for violation of Article 12, second paragraph, of the GDPR in view of the

previous fixed at € 650,000.

4.6 Proportionality and statutory maximum fine

Finally, on the basis of Articles 3:4 and 5:46 of the Awb (principle of proportionality), the AP assesses whether the

applying its policy for determining the amount of the fine given the circumstances of the

specific case, does not lead to a disproportionate outcome. Application of the principle of proportionality may

inter alia play in the accumulation of sanctions. If the AP for distinguishable, but yes

If you want to impose two or more fines for related violations, the total of the fines must still be

match the seriousness of the violations.

In this case, the AP will impose a fine for violation of both Article 12, second paragraph, and Article

12, fifth paragraph, of the GDPR. In the opinion of the AP, the two different behaviors of BKR,

namely, do not offer free access via electronic means and actively promote the policy that

data subjects can access personal data by post once a year, leading to two separate

violations. At the same time, the AP recognizes that the underlying principle of the relevant

provisions is equivalent in essence, namely transparency with the aim of monitoring data subjects

about the personal data concerning them. This gives rise to the above

to moderate the aforementioned fine by 20% to € 205,000 on the basis of proportionality.

The AP thus sets the total fine at €830,000. Under Article 10 of the

The AP determines that the total fine does not exceed the statutory maximum fine

(€20,000,000 or up to 4% of total worldwide annual turnover in the previous financial year, if this figure

higher) of the most serious offence.

4.7 Conclusion

The AP sets the total fine at €830,000.

22/23

Our reference

[CONFIDENTIAL]

Date

July 30, 2019

5. Operative part

fine

The AP submits to BKR, for violation of Article 12, second paragraph, and Article 12, fifth paragraph, of the GDPR

administrative fine in the amount of € 830,000 (in words: eight hundred and thirty thousand euros).⁴⁰

Yours faithfully,

Authority Personal Data,

w.g.

ir. M.J. Verdier

Vice President

Remedies Clause

If you do not agree with this decision, you can return it within six weeks of the date of dispatch of the

decide to submit a notice of objection digitally or on paper to the Dutch Data Protection Authority. For the

submitting a digital objection, see www.autoriteitpersoonsgegevens.nl, under the heading Make an objection against a decision, at the bottom of the page under the heading Contact with the Dutch Data Protection Authority. It

The address for submission on paper is: Dutch Data Protection Authority, PO Box 93374, 2509 AJ Den Haag.

State 'Awb objection' on the envelope and put 'objection' in the title of your letter.

In your notice of objection, write at least:

- your name and address;
- the date of your notice of objection;
- the reference mentioned in this letter (case number); or attach a copy of this decision;
- the reason(s) why you do not agree with this decision;
- your signature.

40 The AP will hand over the aforementioned claim to the Central Judicial Collection Agency (CJIB).