

Complaint about lack of insight into security log

Date: 19-12-2018

Decision

The Danish Data Protection Agency has refused to initiate a complaint about lack of insight into extracts from the Danish Tax Agency's security log, as the Danish Data Protection Agency considers the complaint to be manifestly unfounded.

J.nr. 2018-32-0500

Summary

The Danish Data Protection Agency has refused to initiate a complaint about lack of insight into extracts from the Danish Tax Agency's security log, as the Danish Data Protection Agency considers the complaint to be manifestly unfounded. The Danish Data Protection Agency found that the Danish Tax Agency's security log was not covered by the complainant's right of access, and that there was therefore no prospect that the Danish Data Protection Agency would grant complainants the right to his complaint.

Decision

By e-mail from [...], you have contacted the Danish Data Protection Agency about the Danish Tax Agency's processing of personal data about you.

The Danish Data Protection Agency has understood your inquiry as a complaint that the Danish Tax Agency has refused to give you insight into extracts from the Danish Tax Agency's security log of which employees have accessed the information found about you in the National Debt Management Agency.

Following a review of your inquiry, the Danish Data Protection Agency finds that there is no basis for initiating an appeal to the Danish Tax Agency, cf. Article 57 (1) of the Data Protection Ordinance. 4.

Below is a justification for the Danish Data Protection Agency's decision.

2. The rules on data protection are contained in a general EU regulation on the protection of personal data, which applies to both the private and public sectors [1], and the Data Protection Act [2], which supplements the rules in the regulation.

It follows from Article 57 (2) of the Data Protection Regulation 1, letter f, that the supervisory authority must process complaints submitted by a data subject.

Of the provision para. 4 states that if the request - e.g. a complaint - is manifestly unfounded or disproportionate, in particular

because the request is repeated, the supervisory authority may refuse to comply with the request. The burden of proving that the request is manifestly unfounded or disproportionate lies with the supervisory authority.

A complaint from a register is considered i.a. to be manifestly unfounded if it does not contain relevant elements covered by the Data Protection Regulation or if the request can already be said to be clearly hopeless on the present basis.

In the Data Inspectorate's view, there is no prospect that the Authority will conclude that your personal data is processed in violation of the data protection rules, and the Authority therefore refuses to process your complaint, as it is manifestly unfounded, cf. Article 57 (1) of the Data Protection Regulation. 4.

The Danish Data Protection Agency has emphasized that this is an extraction of logging information, which is a systemic facility where there is no independent processing of your personal data, and that the logging is derived from the actual processing.

Against this background, the Danish Data Protection Agency finds that the Danish Tax Agency's security log of which employees have accessed the information found about you in the National Debt Management Agency is not covered by your right of access pursuant to Article 15 of the Data Protection Ordinance.

Thus, there is no prospect that the Danish Data Protection Agency will grant you a right in your complaint, and the Authority therefore refuses to initiate an appeal in connection with your inquiry, cf. Article 57 (1) of the Data Protection Regulation. 4.

For your information, the Danish Data Protection Agency may also refer to the Authority's case with j.nr. 2005-632-0077 [3] regarding insight into the log of notices and searches in CPR, where the Danish Data Protection Agency stated that the right of access did not include logging information (section 3 of the opinion).

4. The Danish Data Protection Agency notes that the Danish Data Protection Agency's decisions cannot be appealed to another administrative authority, cf. section 30 of the Data Protection Act.

The Danish Data Protection Agency will not take any further action in connection with your inquiry.

If - after reading this letter - you still believe that personal data about you is being processed in violation of the data protection rules, you can make a police report of the data controller or pursue the claim in court.

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General data protection regulation).

[2] Act No. 502 of 23 May 2018 on supplementary provisions to the Regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the Data Protection Act).

[3] The decision is published on the Danish Data Protection Agency's website and can be accessed via the following link:

<https://www.datatilsynet.dk/tilsyn-og-afgoerelser/historiske-afgoerelser/2005/jun/videregivelse-af-oplys-fra-cpr-to-private-companies-ii/>.