

Supervision of the Police Complaints Authority's processing of personal data

Date: 12-07-2019

Decision

Public authorities

Journal number: 2018-813-0001

Summary

The Independent Police Complaints Authority was among the authorities that the Danish Data Protection Agency had selected for supervision in 2018 under the Law Enforcement Act - a law on law enforcement authorities' processing of personal data.

The supervision focused in particular on the data subjects' rights, which are found in section 3 of the Law Enforcement Act.

The Danish Data Protection Agency's final statement in connection with the audit states, among other things, that the Independent Police Complaints Authority, in the Authority's assessment, has not fully complied with the requirements of section 13 (1) of the Law Enforcement Act. 1., to make information available to the data subject.

During the inspection, questions also arose as to whether 1) notification of notified police officers in specific criminal cases with the Independent Police Complaints Authority and 2) response to requests for access to criminal case material and court decisions will have to be done under the Law Enforcement Act or the Code of Judicial Procedure. The Danish Data Protection Agency found that in both situations this would have to be done immediately in accordance with the rules of the Administration of Justice Act. At the same time, however, the Danish Data Protection Agency stated that the interplay between the Law Enforcement Act and the Administration of Justice Act is not entirely clear, which is why the Authority will enter into a dialogue with the Ministry of Justice about this.

Decision

At the request of the Danish Data Protection Agency, the Independent Police Complaints Authority in the autumn of 2018, in connection with the inspection visit, filled in a questionnaire and submitted this together with additional material to the inspection. The inspection visit took place on 30 October 2018.

Following the audit of the Independent Police Complaints Authority, the Danish Data Protection Agency finds reason to conclude:

That the Independent Police Complaints Authority has not sufficiently complied with the requirements of section 13 (1) of the

Law Enforcement Act. 1 (duty to provide information).

That notification of reported police officers in specific criminal cases to the Independent Police Complaints Authority will have to take place immediately in accordance with the rules of the Administration of Justice Act and thus not the Law Enforcement Act § 13, paragraph. 2.

That requests for access, in which the right of access is regulated in the rules of the Code of Judicial Procedure on access to the material in criminal cases and on access to court decisions, will have to be answered immediately in accordance with the rules of the Code of Judicial Procedure and thus not section 15 of the Law Enforcement Act.

That the Independent Police Complaints Authority has not received any requests for rectification, deletion and restriction of processing pursuant to section 17 of the Law Enforcement Act.

That the interplay between the Law Enforcement Act and the Administration of Justice Act is not entirely clear, which is why the Danish Data Protection Agency has on that basis decided to enter into a dialogue with the Ministry of Justice in this regard. Overall, the Danish Data Protection Agency finds reason to express criticism that the Independent Police Complaints Authority has not complied with the requirements of the Law Enforcement Act in relation to section 1.

In this connection, the Independent Police Complaints Authority is asked to send an account of the steps that have been taken, or will be taken, to ensure that the Police Complaints Authority complies with the Law Enforcement Act in relation to the above-mentioned section on the duty to provide information. The statement must be received by the Danish Data Protection Agency no later than 16 August 2019

A more detailed review of the Danish Data Protection Agency's conclusions follows below.

Duty to provide information

1.1. The duty to provide information pursuant to section 13 (1) of the Law Enforcement Act 1

The Law Enforcement Act, section 13, subsection 1, requires the data controller to make a number of information available to the data subject.

This is the following information:

Identity and contact information of the data controller.

Contact information for the data protection adviser and information about its function in relation to the data subjects.

The purposes of the processing for which the personal data are to be used.

The right to lodge a complaint with a supervisory authority and contact details of the supervisory authority.

The data subject's rights under Chapters 5 and 6 of the Act.

The right to have the competent supervisory authority exercise the data subject's rights in relation to the competent authorities' decisions on omission, postponement, restriction or refusal pursuant to Chapters 4-6, cf. section 40 (1) of the Act. 1, No. 10.

As an example, the Independent Police Complaints Authority has submitted a text on the authority's processing of personal data in criminal cases, which was publicly available at www.politiklagemyndigheden.dk at the time of the inspection visit.

In addition, the Police Complaints Authority has sent a copy of the authority's autoresponder, which is sent automatically to persons who send an email to the authority's main email. The autoresponder contains i.a. a link to the published text on the Police Complaints Authority's processing of personal data in criminal cases.

Finally, the Independent Police Complaints Authority has sent three anonymised receipt letters in criminal cases, where there are also e.g. a link has been inserted to the published text on the Police Complaints Authority's processing of personal data in criminal cases.

The published text contains the information required under section 13 (1) of the Act. 1, Nos. 1-5.

However, the text does not contain the required information about the data subject's right to let the competent supervisory authority exercise the data subject's rights, cf. section 13 (1) of the Law Enforcement Act. 1, no. 6. On that basis, the Danish Data Protection Agency finds grounds for expressing criticism.

In addition, the Police Complaints Authority has listed in the text some of the information that the authority is obliged to provide in a request for insight, cf. section 15 (1) of the Law Enforcement Act. 2. In connection with the listing, the Police Complaints Authority has not made it clear that the listing does not deal with all the information that must be provided pursuant to section 15 (1) of the Act. 2.

It is not a requirement under the Law Enforcement Act, section 13, subsection. 1, that the data controller provides information on the information that must be provided in a request for insight pursuant to section 15 of the Law Enforcement Act.

If the data controller chooses to list the information that must be provided pursuant to section 15 (1) of the Law Enforcement Act. 2, the data controller should either provide all the information mentioned in the provision or clarify that the listing is only an extract of the information that must be provided.

1.2. The duty to provide information pursuant to section 13 (1) of the Law Enforcement Act 2

The Law Enforcement Act, section 13, subsection 2, requires that the data controller, when necessary for the data subject to be able to safeguard his interests, must at least notify the data subject of the following:

The legal basis for the treatment.

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

The categories of any recipients of the personal data, including in third countries or international organizations.

Additional information if necessary, in particular if personal data are collected without the knowledge of the data subject.

The Independent Police Complaints Authority has, as examples of this, referred to the same texts that the authority has submitted as examples pursuant to section 13 (1) of the Act. In this connection, the Independent Police Complaints Authority has stated that the authority has chosen to make a comprehensive statement, which contains both the information in the Law Enforcement Act, section 13, subsection. 1 and para. 2.

The Police Complaints Authority has also, at the request of the Danish Data Protection Agency, sent two examples of a notification of a police officer pursuant to section 13 (1) of the Law Enforcement Act. 2.

It appears from the comments on the proposal for a law on law enforcement authorities' processing of personal data [2] that section 13 (1) of the Act. 2 (contrary to section 13, subsection 1) requires that the authority responsible for the data specifically notifies the data subject. In addition, it is stated that notification must be made when necessary, taking into account the specific circumstances in which the information is processed, in order to ensure the data subject a fair processing of the information.

On the other hand, it will not be necessary to notify the data subject if there is a context where the processing of the information cannot lead to negative legal effects for the data subject, or if it must be clear from the context in which the data was collected for the data subject what the information is to be used for, e.g. a person who, for the purpose of a specific investigation, gives an explanation to the police.

The Independent Police Complaints Authority may not fulfill the obligation in the Law Enforcement Act, section 13, subsection. 2, by having a general text on this on the authority's website. The same applies with an auto-reply, which is sent to all persons who write to the authority's main e-mail, and which contains a link to the Police Complaints Authority's text on the authority's website. Here, the registered person - even though he or she may have had a notification pursuant to section 13 (1) of the Act - 2 - could not reasonably see that such a notification was in question for the person concerned.

The three receipt letters have all been sent to a reviewer, who has also been wronged in the case. The Danish Data Protection

Agency's assessment that the Independent Police Complaints Authority is not in these cases obliged to give a specific notification pursuant to section 13 (1) of the Law Enforcement Act. 2, as a notification in such cases is not necessary for the data subject to safeguard his interests.

With regard to the two examples of a notification of a police officer, it appears from these that the police officer is summoned as reported for questioning to the Independent Police Complaints Authority and that the police officer under the rules of the Code of Judicial Procedure [3] is not obliged to give an explanation. The Police Complaints Authority has stated that in practice a "notified" police officer has rights corresponding to an accused.

Article 18 of the Law Enforcement Directive [4] allows Member States to provide that the exercise of the rights referred to in Articles 13, 14 and 16 - ie. the duty of disclosure, the right of access and the right of rectification, erasure and limitation of processing - shall be implemented in accordance with the national law of the Member States when the personal data are contained in a judgment or register or case file processed in criminal investigations and criminal proceedings.

Recital 49 states that if personal data are processed during a criminal investigation and criminal proceedings, Member States should be able to provide that the exercise of the right to information, access to and rectification or erasure of personal data and the restriction of processing must be carried out in accordance with national rules of procedure. .

In Denmark, the legislature has chosen to regulate the issue in section 18 (1) of the Law Enforcement Act. 3, which follows that the rules of the Code of Judicial Procedure and the Military Code of Judicial Procedure on the right to information, access to and correction or deletion and restriction of processing of personal data in criminal cases apply in relation to rights pursuant to section III of the Act.

It appears from the legal remarks to the Law Enforcement Act, section 18, subsection. 3 [5] that the proposed provision thus ensures that the duty of disclosure to the data subject as well as requests for access, correction, deletion or restriction of processing of personal data are handled in accordance with the rules of the Code of Judicial Procedure and the Military Code of Judicial Procedure. Military Code of Judicial Procedure contains rules in this regard.

In addition, it appears from the legal remarks to the Law Enforcement Act, section 13, subsection. 2 [6] that in the case of personal data contained in a specific criminal case of e.g. the police or the prosecution or in a court decision in a criminal case, the duty to provide information must be carried out in accordance with the rules on notification in the Administration of Justice Act, cf. the proposed section 18, subsection. 3. This means that in these cases the persons in question are notified in

accordance with the rules of the Administration of Justice Act. It can e.g. be notification of the accused of the charge, cf. section 752, notification of interference with the secrecy of the notification, cf. section 788, or notification of a search, cf. section 798.

It is the Danish Data Protection Agency's assessment that section 18 (1) of the Law Enforcement Act. 3, and the comments thereon do not leave an unequivocal answer to the relationship between the Law Enforcement Act and the Administration of Justice Act.

However, it is the Data Inspectorate's immediate assessment that the Independent Police Complaints Authority's notification of notified police officers, who in practice have rights corresponding to an accused, will have to be in accordance with the rules of the Administration of Justice Act and not the Law Enforcement Act.

The Danish Data Protection Agency does not supervise the law enforcement authorities' compliance with the rules of the Administration of Justice Act.

As none of the submitted examples relate to situations where the Independent Police Complaints Authority must notify pursuant to section 13 (1) of the Law Enforcement Act. 2, the Danish Data Protection Agency has no comments on the submitted.

Considering that section 18, subsection 3, and the legal comments are not completely clear in relation to the interaction between the Law Enforcement Act and the Administration of Justice Act, the Data Inspectorate has, on the basis of the inspections in autumn 2018 with the Law Enforcement Act's rules on data subjects' rights decided to enter into dialogue.

The Danish Data Protection Agency must note, however, that in cases where the Independent Police Complaints Authority is obliged to give a notification pursuant to section 13 (1) of the Act. 2, the authority must of course ensure that the notification meets the requirements for this, just as it must be clear from the notification what the purpose of the notification is. This must include is seen in the light of the fact that the Police Complaints Authority stated during the inspection visit that the authority is of the opinion that the authority complies with section 13 (1) of the Law Enforcement Act. 2, by, for example, that all the authority's templates for letters etc. contains information on the processing of personal data with a link to the Police Complaints Authority's website.

1.3. Postponement, restriction or omission of notification pursuant to section 14 (1) of the Law Enforcement Act. 1

It appears from the Law Enforcement Act § 14, paragraph. 1, that notification pursuant to section 13, subsection 2, may be

postponed, restricted or omitted if the data subject's interest in becoming aware of the information is found to should give way in order to

avoid obstacles to official or judicial inquiries, investigations or proceedings;

avoid prejudice to the prevention, detection, investigation or prosecution of criminal offenses or the enforcement of criminal sanctions;

protect public safety,

protect state security or

protect the rights of the data subject or others.

The Independent Police Complaints Authority has stated that the authority has never applied section 14, subsection 1, to postpone, limit or omit notification to registered citizens pursuant to section 13, subsection 2.

In connection with the inspection, the Independent Police Complaints Authority has stated that the authority has used the provision to postpone notification to registered officers in some cases for the sake of the investigation, as it is not in all cases appropriate for the officer to be aware that the authority has received a review. The Police Complaints Authority has stated that the officer will in that case be notified when the officer is summoned in writing for questioning.

In this connection, the Danish Data Protection Agency must refer to the Authority's comments above regarding the interaction between the Law Enforcement Act and the Administration of Justice Act.

2. The right of access

2.1. Communication of insights

The rules on the data subject's right of access are set out in Chapter 5 of the Law Enforcement Act.

Pursuant to section 15, subsection 1, the data subject has the right to receive the data controller's confirmation of whether personal data about the person in question is being processed.

If the data controller processes personal data about the data subject, the data controller must give the data subject access to the personal data and a notification with a number of data, cf. section 15 (1) of the Act. 2.

This is the following information:

The purposes and legal basis of the treatment.

The affected categories of personal data.

The recipients or categories of recipients to whom the personal data have been transferred, including in particular recipients in third countries or international organizations.

If possible, the intended period of storage or, if that is not possible, the criteria used to determine that period.

The right to request the data controller to rectify or delete personal data or to limit the processing of the data subject.

The right to lodge a complaint with the supervisory authority and the contact details of the supervisory authority.

What personal information is covered by the processing, and any available information on where it comes from.

The Independent Police Complaints Authority has submitted two anonymised examples of responses to a request for access as well as a template for responding to a request for access, including an appendix with various information.

The Police Complaints Authority's template has been prepared as a response to requests for access in accordance with both the Data Protection Regulation and the Law Enforcement Act. The same applies to example 1. In example 2, no reference is made to which set of rules (s) the request is answered according to.

2.1.3. Example 1

It appears from the letter to the request for insight that the Independent Police Complaints Authority i.a. processes information about the requester in conduct complaints, complaints about police dispositions and cases about access to documents. It appears from the case that the Police Complaints Authority's processing of personal data on requests for access in these cases is covered by the rules of the Data Protection Regulation and not the Law Enforcement Act. As this supervision relates to the rules of the Law Enforcement Act, the Danish Data Protection Agency has not assessed whether the Independent Police Complaints Authority's response complies with the Data Protection Ordinance's rules on insight.

It also appears from the letter that the Police Complaints Authority processes information about requests for access in criminal cases, including a) in cases where the authority has decided to reject the report, b) in cases where the public prosecutor has decided to stop the investigation and c) in an unfinished criminal case.

The Independent Police Complaints Authority has stated that the Police Complaints Authority has applied the rules of the Administration of Justice Act in connection with the request, and that the request for access has been / is charged. However, the Police Complaints Authority has also notified the request for insight of a number of the information that appears in section 15 (1) of the Law Enforcement Act. 2.

As mentioned, it appears from the Law Enforcement Act, section 18, subsection. 3, that the rules of the Code of Judicial

Procedure and the Military Code of Judicial Procedure on the right to information, access to and correction or deletion and restriction of processing of personal data in criminal cases apply in relation to rights pursuant to section III of the Law Enforcement Act.

As also mentioned above, it appears from the statutory comments to the Law Enforcement Act, section 18, subsection. 3, that the provision ensures that the duty of disclosure to the data subject and requests for access, correction, deletion or restriction of processing of personal data are handled in accordance with the rules of the Administration of Justice Act and the Military Administration of Justice Act to the extent that the Administration of Justice Act and the Military Administration of Justice Act contain rules.

In addition, it appears from the legal remarks to section 15 of the Law Enforcement Act [7] that in the case of personal data contained in a specific criminal case with e.g. the police or the prosecution or in a court decision in a criminal case, the right of access must otherwise be implemented in accordance with the rules of the Administration of Justice Act on access to the material in criminal cases and on access to court decisions, cf. the proposed section 18, subsection. Requests for access must thus be decided in accordance with the rules of the Administration of Justice Act in Chapter 3 a on access to documents in e.g. judgments and rulings and in the documents in a criminal case as well as §§ 729 a - d on the accused's access to the material in the criminal case. In the case of data subjects whose right of access is not regulated by the rules of the Code of Judicial Procedure, e.g. persons acting as ancillary persons in a criminal case, the rules of the proposed Title III will apply.

It is the Data Inspectorate's assessment that section 18 (1) of the Law Enforcement Act. 3, and the comments thereon do not leave an unequivocal answer to the relationship between the Law Enforcement Act and the Administration of Justice Act.

However, the Data Inspectorate's immediate assessment is that the Independent Police Complaints Authority's response to the request for access in the specific case - where the right of access is regulated in the Code of Judicial Procedure's rules on access to material in criminal cases and on access to court decisions - will have to be in accordance with the Code of Judicial Procedure Act.

The Danish Data Protection Agency does not supervise the law enforcement authorities' compliance with the rules of the Administration of Justice Act.

As the example does not relate to a situation where the Independent Police Complaints Authority must respond to the request pursuant to section 15 of the Law Enforcement Act, the Danish Data Protection Agency has no comments on what has been

submitted.

Considering that section 18, subsection 3, and the legal comments are not completely clear in relation to the interaction between the Law Enforcement Act and the Administration of Justice Act, the Data Inspectorate has, on the basis of the inspections in autumn 2018 with the Law Enforcement Act's rules on data subjects' rights decided to enter into dialogue.

2.1.4. Example 2

It appears from the letter to the requesting information that the requesting person has a number of closed and unfinished cases with the Independent Police Complaints Authority.

It also appears from the case that the Police Complaints Authority's processing of personal data on requests for access in all but one of the cases is covered by the rules of the Data Protection Regulation and not the Law Enforcement Act. As this supervision relates to the rules of the Law Enforcement Act, the Danish Data Protection Agency has not assessed whether the Police Complaints Authority's response complies with the Data Protection Ordinance's rules on insight.

The last case concerns a report of a criminal offense, where the Police Complaints Authority has rejected the case, as there was no basis for initiating an investigation. The Police Complaints Authority has stated that the request for access has been notified and wronged in the case, and that the Police Complaints Authority has processed the request for access pursuant to section 41 d of the Administration of Justice Act.

As the right of access in the specific case is regulated in Chapter 3 a of the Administration of Justice Act - ie. in section 41 d of the Act - it is the Danish Data Protection Agency's immediate assessment that the Independent Police Complaints Authority's response to the request for insight will have to take place in accordance with the rules of the Administration of Justice Act and not the Law Enforcement Act.

The Danish Data Protection Agency does not supervise the law enforcement authorities' compliance with the rules of the Administration of Justice Act.

As the example does not relate to cases where the Independent Police Complaints Authority must respond to the request pursuant to section 15 of the Law Enforcement Act, the Danish Data Protection Agency has no comments on what has been submitted.

2.1.5 The template with appendices

The template has been prepared in accordance with both the Data Protection Regulation and the Law Enforcement Act. In

addition, the template also includes insight into criminal cases, where the request for insight will potentially have to be carried out in accordance with the rules of the Administration of Justice Act, cf. above.

The Danish Data Protection Agency has only assessed the template's conformity with the law enforcement law's rules on insight.

A review of the template shows that the template contains the information required by section 15 (1) of the Law Enforcement Act, 2, no. 1 (in relation to the legal basis), 4, 5 and 6.

In addition, the template contains the following information about the purpose, recipients and where the information comes from:

"Purpose

We process your personal information for the following purposes:

Case management in complaints about the behavior of police personnel.

Investigation into criminal cases against police personnel.

Investigation into cases where a person has died or been seriously injured as a result of police intervention or while the person in question was in police custody.

Case processing in access to file cases and disposition appeal cases.

[...]

Disclosure of information

We regularly pass on personal information to the National Police, the Public Prosecutor's Office, the Ministry of Justice and other relevant authorities. The transfer takes place when it is necessary for our ordinary task management, including if it follows from the law that we must pass on the information.

We also pass on information to private actors, e.g. lawyers and doctors, and in isolated cases foreign organizations and authorities.

[...]

Where your personal information comes from

The information about you comes - in addition to the information you have provided - from the National Police and the police district where you are employed, as well as from lawyers and other private individuals. "

It is the Data Inspectorate's assessment that the three sections are too generally described. It is the Data Inspectorate's opinion that the Police Complaints Authority will, in responding to requests for insight, as far as possible have to provide information about the specific recipients and provide specific information about where the information comes from. In addition, the authority will have to relate to and describe the purpose / purposes of the specific cases in which the request for insight is included, and thus not just list all the cases that the authority deals with and the purposes thereof.

The template does not contain information about which personal data is covered by the processing (§ 15, subsection 2, no. 7, 1st indent), just as the template does not contain information about the affected categories of personal data (§ 15, subsection 2, no. 2).

The Danish Data Protection Agency is of course aware that this information will vary from case to case. However, the template should be designed so that the Police Complaints Authority's employees are aware that they themselves must add information about this when they respond to a request for insight.

2.2. Postponement, restriction or denial of access pursuant to section 16 of the Law Enforcement Act

It follows from the Law Enforcement Act § 16, paragraph. 1, that the data controller may postpone, limit or refuse to grant insight if the data subject's interest in gaining knowledge of the information is found to should give way to the considerations of public interest mentioned in section 14 (1) of the Act. 1.

A decision that the data subject's access is suspended, restricted or denied shall be notified to the data subject in writing and shall be accompanied by a statement of reasons and a complaint guide, and the decision shall include information on the data subject's right to exercise the data subject's rights. § 40, sec. 1, no. 10. This follows from the Law Enforcement Act § 16, para. 2.

The Independent Police Complaints Authority has stated that section 16 (1) of the Law Enforcement Act 1, has not yet been used to deny access pursuant to section 15 of the Act.

3. Right to rectification, deletion and limitation of processing pursuant to section 17 of the Law Enforcement Act

The data subject's right to rectify, delete and restrict processing is stated in Chapter 6 of the Law Enforcement Act.

It follows from the Law Enforcement Act, section 17, subsection. 1, that the data controller must correct information that turns out to be incorrect. In addition, it is clear from the same provision that the data controller must similarly complete incomplete information if this can be done without jeopardizing the purpose of the processing. In addition, the data controller must notify

the competent authority from which the data originates of the correction of incorrect personal data.

Pursuant to section 17, subsection 2, the data controller shall, at the request of the data subject, delete information that has been processed in violation of the processing rules in Chapter 3 of the Act, or if it is required to comply with a legal obligation to which the data controller is subject.

It follows from section 17 (1) of the Act. 3, that the data controller must instead of deletion limit the processing of personal data if 1) the accuracy of the personal data is disputed by the data subject and their accuracy or inaccuracy cannot be established or 2) the personal data must be retained as evidence. To the extent that a processing is limited, the data controller notifies the data subject before the restriction is lifted, cf. section 17 (1) of the Act. 4.

If the data controller rejects a request for rectification, deletion or restriction of processing, this must be notified to the data subject in writing and must be accompanied by a justification and a complaint guide, as well as information about the data subject's right to have the data subject's competent authority exercise rights in accordance with section 40 (1) of the Act. 1, no. 10. This follows from section 17 (1) of the Act. 5.

The Police Complaints Authority has stated that the authority has not yet received requests for rectification or deletion, just as the authority has not applied section 17 (1) of the Law Enforcement Act. 3 to limit the processing of information instead of deleting.

4. Procedures

The Police Complaints Authority has described the authority's procedures for handling the duty to provide information, the right of access and the right to rectify, delete and limit processing.

The procedures described are very general, which is why the Danish Data Protection Agency recommends that they be elaborated and written down so that the employees at the authority are equipped to make the ongoing assessments in this regard.

5. Conclusion

Following the audit of the Independent Police Complaints Authority, the Danish Data Protection Agency finds reason to conclude in summary:

That the Independent Police Complaints Authority has not sufficiently complied with the requirements of section 13 (1) of the Law Enforcement Act. 1 (duty to provide information).

That notification of reported police officers in specific criminal cases to the Independent Police Complaints Authority will have to take place immediately in accordance with the rules of the Administration of Justice Act and thus not the Law Enforcement Act § 13, paragraph. 2.

That requests for access to the Independent Police Complaints Authority, in which the right of access is regulated in the rules of the Code of Judicial Procedure on access to the material in criminal cases and on access to court decisions, will have to be answered immediately in accordance with the rules of the Code of Judicial Procedure and thus not section 15 of the Law Enforcement Act.

That the Independent Police Complaints Authority has not received any requests for rectification, deletion and restriction of processing pursuant to section 17 of the Law Enforcement Act.

That the interplay between the Law Enforcement Act and the Administration of Justice Act is not entirely clear, which is why the Danish Data Protection Agency has on that basis decided to enter into a dialogue with the Ministry of Justice in this regard. Overall, the Danish Data Protection Agency finds reason to express criticism that the Independent Police Complaints Authority has not complied with the requirements of the Law Enforcement Act in relation to section 1.

In this connection, the Independent Police Complaints Authority is asked to send an account of what steps have been taken, or will be taken, to ensure that the Police Complaints Authority complies with the Law Enforcement Act in future in relation to the above-mentioned section on the duty to provide information. The statement must be received by the Danish Data Protection Agency no later than 16 August 2019

[1] Act No. 410 of 27 April 2017 on law enforcement authorities' processing of personal data with subsequent amendments.

[2] Bill L 168 submitted on 28 March 2017, the special remarks to § 13.

[3] Statutory Order no. 1284 of 14 November 2018, the Administration of Justice Act

[4] Directive (EU) 2016/680 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 by competent authorities for the purpose of preventing, investigating, detecting or prosecuting criminal offenses or enforcing criminal sanctions and on the free movement of such information and repealing Council Framework Decision 2008/977 / JHA.

[5] Bill L 168 submitted on 28 March 2017, the special remarks to § 18.

[6] Bill L 168 submitted on 28 March 2017, the special remarks to § 13.

[7] Bill L 168 submitted on 28 March 2017, the special remarks to § 15.