

Supervision of fulfillment of the duty to provide information at the Statens Serum Institut

Date: 17-03-2021

Decision

Public authorities

The Danish Data Protection Agency found that the Statens Serum Institut's compliance with the duty to provide information was in accordance with the rules.

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Summary

In March 2021, the Danish Data Protection Agency completed an audit of three providers who offer COVID-19 tests without prior appointment. The Danish Data Protection Agency has supervised SOS International A / S and Carelink A / S, which in January 2021 won the tender for rapid tests in the regions. The Danish Data Protection Agency has further supervised the Statens Serum Institut, which offers PCR tests without prior appointment at one of TestCenter Denmark's mobile test sites.

The inspections focused on the providers' compliance with the data protection regulation's rules on disclosure, including whether the test providers complied with the rules that notification must be given to the data subject in a concise, transparent, easy-to-understand and easily accessible form and in clear and simple language.

The Danish Data Protection Agency found that the test providers' observance of the duty to provide information was in accordance with the rules. To a single provider, however, the inspectorate recommended that the provider supplement the notification of the citizen, which took place in connection with receipt of the test result, with general information at the test site itself.

Decision

The Danish Data Protection Agency hereby returns to the case of the Statens Serum Institut's observance of the duty to provide information when processing personal data in connection with PCR tests at mobile COVID-19 test sites.

Decision

Following a review of the Statens Serum Institut's opinion, the Danish Data Protection Agency finds that the Statens Serum Institut's processing of personal data has taken place in accordance with the rules in the Data Protection Ordinance [1], cf.

Article 12 (1). 1 and Article 13.

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

2. Case presentation

It appears from the website www.coronaprover.dk that all citizens aged two or over can use the open test offer to book an appointment for a test for COVID-19 in TestCenter Denmark (PCR test).

When submitting an appointment, the citizen is made aware of how information about the person in question is processed.

As it is also possible without an appointment to have a PCR test performed at one of TestCenter Denmark's mobile test sites, the Authority decided to investigate how the Statens Serum Institut fulfills its duty to provide information to citizens who have a PCR test performed where no test is performed. requirement for prior appointment.

The Danish Data Protection Agency therefore requested the Statens Serum Institut on 4 February 2021 to state how the Statens Serum Institut ensures that citizens who allow themselves to be tested at a mobile COVID-19 test site are made aware of how the Statens Serum Institut processes information about the persons in question. .

On 5 March 2021, the Statens Serum Institut issued a statement on the matter.

2.1. Statens Serum Institut's remarks

The Statens Serum Institut has stated that the fulfillment of the duty to provide information is ensured by handing out a physical printout of the information available in the mobile test centers, which is available to citizens who book an appointment on the website www.coronaprover.dk. Citizens who have tests performed in mobile test centers without an appointment prior to the test are thus made aware in the same way of how information about the persons in question is processed.

The Statens Serum Institut has also stated that the regions are responsible for printing and handing out the information material to the citizens, and the regions have in several contexts been asked to assist the Statens Serum Institut in fulfilling the duty to provide information in the manner described.

Justification for the Danish Data Protection Agency's decision

3.1.

It follows from Article 13 (1) of the Data Protection Regulation 1, that if personal data has been collected from the data subject, the data controller shall, at the time when the personal data is collected, provide the data subject with a number of information, which appears from letter a-f of the provision. In addition to the information referred to in paragraph In accordance with Article 13 (1) of the Regulation, the data controller shall provide the data subject with a range of information necessary to ensure fair

and transparent processing of the data subject in accordance with Article 13 (1) of the Regulation. 2.

It also follows from Article 12 (1) of the Data Protection Regulation 1, that the data controller shall provide any information as covered by Article 13 in a concise, transparent, easy-to-understand and easily accessible form and in a clear and simple language.

3.2.

The Danish Data Protection Agency finds that the Statens Serum Institut's information on the processing of personal data contains the information that appears in Article 13 (1) of the Data Protection Ordinance. 1 and 2.

By handing out the information to all citizens who have a test performed in a mobile test center, the Statens Serum Institut also ensures that all citizens are made aware of the information in a clear, concise and easily accessible manner at the same time as the collection of personal data, cf. Article 13, cf. 1.

The Danish Data Protection Agency thus finds that the Statens Serum Institut's information on the processing of personal data in connection with COVID-19 complies with Article 12 (1) of the Data Protection Regulation. 1 and Article 13.

[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).