

Supervision of Basisbank A/S' handling of access requests

Date: 28-07-2022

Decision

Private companies

No criticism

Supervision / self-management case

The right to access

The Danish Data Protection Authority has completed a series of inspections of five selected banks' and savings banks' handling of requests for insight from customers. The audits focused on guidelines and procedures for handling customer requests for insight.

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Summary

The Danish Data Protection Authority has completed supervision of five selected banks' and savings banks' handling of requests for insight from customers. The banks and savings banks were, among other things, selected based on the number of complaints with the Data Protection Authority and consisted of Danske Bank A/S, Sparekassen Sjælland-Fyn A/S, Basisbank A/S, Sparekassen Kronjylland and Ringkjøbing Landbobank Aktieselskab.

Serious criticism of Danske Bank

The Danish Data Protection Authority expressed serious criticism that Danske Bank's procedure for handling requests for insight from customers was not in accordance with the data protection rules. The bank's procedure consisted of a layered approach, where the customer could gain insight into his information in three different ways, and the Danish Data Protection Authority found that this layered approach was not in accordance with the data protection regulation.

You can read the Danish Data Protection Authority's decision in the case of Danske Bank [here](#).

The procedures at four out of five banks supported the right of access

The Data Protection Authority also found that Sparekassen Sjælland-Fyn A/S', Basisbank A/S', Sparekassen Kronjylland and Ringkjøbing Landbobank Aktieselskab's procedures for handling requests for insight from customers supported the right to insight.

From the Data Protection Authority's final statements in the individual inspections, it appears, among other things, following:
that Sparekassen Sjælland-Fyn A/S' procedure for responding to requests for insight from customers consists of creating an insight report supplemented with a manual review of systems and databases that the technical solution does not include.

that Basisbank A/S' has prepared templates to answer requests for insight from customers, and that the bank attaches a copy of the information that the bank processes about the person in question.

that Sparekassen Kronjylland's handling of access requests consists of manually creating an access report and supplementing with other information that may be relevant in the individual case. The Danish Data Protection Authority recommended that Sparekassen Kronjylland consolidate its many workflows for handling access requests in order to support a uniform practice in the organization and to clarify the procedure in the workflow.

that Ringkjøbing Landbobank Aktieselskab forms an insight report when the bank responds to a request for insight, and attaches any additional material that the customer requests at the same time. The Danish Data Protection Authority recommended that Ringkjøbing Landbobank Aktieselskab clarify the process for handling access requests in the bank's workflow.

You can read the Data Protection Authority's final statements in the other inspections here:

Sparekassen Sjælland-Fyn A/S

Sparekassen Kronjylland

Ringkjøbing Landbobank Aktieselskab

Decision

The Danish Data Protection Authority hereby returns to the case where the Danish Data Protection Authority decided to supervise Basisbank A/S's handling of requests for insight from data subjects in accordance with Article 15 and Article 12 of the Data Protection Regulation[1].

The Danish Data Protection Authority notes at the outset that the supervision is limited to Basisbank A/S' handling of requests for insight from customers.

2. Case presentation

By letter of 10 November 2021, the Danish Data Protection Authority has requested Basisbank A/S for an opinion and a copy of the bank's possible procedures, guidelines, templates, etc. for handling requests for insight that Basisbank A/S made on 16

November 2021.

2.1. Basisbank A/S' comments

Basisbank A/S has confirmed that the bank has drawn up procedures, including guidelines and templates for the bank's compliance with the rules on access in the data protection regulation, and has submitted a copy of the material to the Norwegian Data Protection Authority.

It follows from the material that Basisbank A/S has drawn up a work description/procedure regarding the handling of access requests, as well as templates for use in responding to requests for full access and limited access requests. Basisbank A/S has also noted that the template for responding to limited access requests is reserved for requests that are limited to access to the information that has been obtained for use in the bank's prior credit assessment of the customer, as the majority of the access requests that Basisbank receives , includes the disclosure of this information.

Finally, Basisbank A/S has stated that all the bank's employees have completed mandatory online training on, among other things, rules on access, just as internal training has been held for employees in the bank's procedure for processing personal data.

3. Concluding remarks

3.1.

It follows from Article 15 of the Data Protection Regulation that the data subject has the right to obtain the data controller's confirmation as to whether personal data relating to the person in question is being processed and, if applicable, access to the personal data and a range of supplementary information.

One of the basic purposes of the right of access is that the data subject has the opportunity to check the correctness of the personal data that the data controller processes – e.g. in order to make use of other rights such as the right to rectification or deletion.

The data subject therefore basically has the right to receive an adequate copy of the information that the data controller processes about the person in question, unless the data subject has limited his request to specific information about the person in question, and/or an exception can be made to the right of access to information , cf. Article 12, Article 15 of the Data Protection Regulation, Section 22 of the Data Protection Act or other legal basis.

The right to access also implies that the registered person must be given access to the content of the information that is

processed about the person in question. This means that the data controller can choose to hand over copies of, for example, original documents, case files, etc. to the person concerned, or to copy the information about the registered person into a new document or similar. The most important thing is that the registered person is given an actual copy of the information. Finally, it follows from the data protection regulation article 12, paragraph 1, that notification in accordance with Article 15, i.a. must be transparent.

A procedure whereby the data subject is only given access to an insight report that does not contain all the information to which the data subject is entitled according to Article 15 of the Data Protection Regulation will, as a clear starting point, not be in accordance with Article 15 and Article 12 of the Regulation.

3.2.

The Danish Data Protection Authority has - on the basis of the material provided and submitted by Basisbank A/S - noted the following:

that Basisbank A/S has drawn up a job description for the bank's employees regarding the handling of access requests, that Basisbank A/S has prepared templates for use in responding to requests for full access and limited access requests respectively.

that it appears from the template for responding to requests for full access that Basisbank A/S - as an appendix to the template - attaches a copy of the information that the bank processes about the data subject for each case (contract number) that the data subject has with the bank, as far as the bank's systems are concerned, the bank's database for storing additional data obtained from external sources for use in credit assessment of the customer, as well as information registered as part of the current customer relationship.

that it appears from the template for responding to limited access requests that Basisbank A/S - as an appendix to the template - encloses a copy of the information that the bank stores and that was obtained in connection with the bank's credit assessment for each loan (contract number), as well as a copy of the loan contract and bank statement.

that Basisbank A/S sends a copy of the supplementary information that follows from the data protection regulation, article 15, subsection 1, letter a – h.

Based on the information in the case, it is the Danish Data Protection Authority's assessment that Basisbank A/S' procedures for handling requests for access support the data subjects' right to access within the framework of Article 12 and Article 15 of

the Data Protection Regulation.

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free exchange of such data and on the repeal of Directive 95/46/EC (general data protection regulation)