

The municipality's CPR subscription was in breach of the data protection rules

Date: 25-10-2019

Decision

Public authorities

In a specific case, the Danish Data Protection Agency has assessed that the City of Copenhagen's ongoing subscription to personal data in the Central Register of Persons was in breach of the data protection rules.

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Summary

On 25 October 2019, the Danish Data Protection Agency made a decision in a case in which a citizen complained to the Danish Data Protection Agency that the City of Copenhagen had subscribed to personal information about the person in the Central Register of Persons, even though he had not resided in the municipality for years.

In the specific case, the City of Copenhagen initially deleted the subscription to the citizen's CPR information, after the citizen had contacted the municipality. However, the citizen's inquiry to the municipality, in which he requested deletion, had triggered a new subscription to his personal data in the CPR.

The City of Copenhagen stated to the Danish Data Protection Agency that in connection with the citizen's inquiry and request for deletion, the municipality had opened a new case in the citizen's name, which raised the need for unambiguous identification in order to support the municipality's exercise of authority, including duty to handle any documents. .

The Danish Data Protection Agency found that the City of Copenhagen's subscription to the citizen's CPR information for the purpose of being able to handle any requests for access to documents or requests for rights could not be considered necessary under Article 6 (1) of the Data Protection Regulation. 1, letter e. The Danish Data Protection Agency placed special emphasis on the municipality having the opportunity to make individual notices in CPR when there is a current need for updated information about a citizen.

Decision

The Danish Data Protection Agency hereby returns to the case where X (hereinafter complains) on 30 May 2018 complained to the Authority that the City of Copenhagen has subscribed to personal information about him in the Central Person Register.

The Danish Data Protection Agency must initially state that the Personal Data Act per. 25 May 2018 has been repealed and

replaced by the Data Protection Regulation and the Data Protection Act. This decision has therefore been taken in accordance with the rules of the Data Protection Regulation and the Data Protection Act.

## Decision

After a review of the case, the Danish Data Protection Agency finds that there are grounds for expressing criticism that the City of Copenhagen's processing of personal data has not taken place in accordance with the rules in Article 6 (1) of the Data Protection Regulation [1]. 1.

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 case that the complainants on 17 January 2018 contacted the City of Copenhagen and requested an explanation as to why the municipality needed to process information about e.g. his social security number in the form of a personal subscription to information about him in the Central Person Register, as complainants had not resided in the City of Copenhagen since 1 February 1999.

On the same day, the municipality confirmed receipt of the complainant's inquiry and informed him that a consultation letter would be sent out to the municipality to clarify why the municipality continued to subscribe to the complainant's personal data in CPR and that the subscription would be terminated if there was no factual and necessary reason for the subscription.

On 13 February 2018, the City of Copenhagen announced complaints that the municipality did not need to process the CPR information about him, and that the subscription would therefore be terminated. The municipality then terminated the subscription the same day.

Subsequently, it turned out that the subscription to information about complaints in CPR had been automatically re-subscribed because a current case concerning complaints had been registered in the municipality's journaling system, which had been created on the basis of the complainant's inquiry of 17 January 2018 about the municipality's subscription of information. about him.

On 12 April 2018, the City of Copenhagen wrote to complainants and announced that his inquiry had given rise to a case having been created in the municipality's journalisation system, and that such a case creation automatically re-subscribed a subscription with CPR.

On 18 April 2018, the complainant requested the City of Copenhagen to cancel the subscription immediately, which the City of

Copenhagen refused on 9 May 2018, as the municipality informed him that his request for permanent cancellation of the subscription could not be granted.

On 30 May 2018, complainants complained to the Danish Data Protection Agency about the City of Copenhagen's processing of personal data about him.

On 8 August 2018, the Danish Data Protection Agency requested the City of Copenhagen for an opinion in the case, which the Danish Data Protection Agency received on 30 November 2018.

## 2.1. Complainant's remarks

Complainants have generally stated that he complains that the City of Copenhagen's system has not taken into account the fact that he left the municipality in 1999.

Complainants have further stated that he is dissatisfied with the fact that the City of Copenhagen's system automatically restores a subscription when you as a citizen contact the municipality, even if the municipality in connection with the inquiry has found no reason to subscribe.

Complainants have further stated that in January 2018 he also contacted Høje-Taastrup Municipality when he became aware that this municipality also continued to subscribe to personal information about him in CPR, even though he left Høje-Taastrup Municipality in 2000. Høje -Taastrup Municipality decided on the basis of his inquiry to delete the municipality's personal subscription to him in CPR, as the municipality assessed that it did not have a factual need to maintain the subscription.

## 2.2. Comments from the City of Copenhagen

In its statement to the Danish Data Protection Agency, the City of Copenhagen has stated that the municipality subscribes to CPR information about the complainant's name, social security number, current address and family relations, and that the municipality also subscribed to this information prior to the complainant's inquiry of 17 January 2018.

The City of Copenhagen has stated that the municipality processes information about citizens' social security numbers on the basis of the Data Protection Act, section 11, subsection. 1, for the purpose of unique identification and as a journal number. As regards the processing of data other than identification data, the legal basis is generally and, as a general rule, Article 6 (1) of the Data Protection Regulation. 1, letter e.

The City of Copenhagen has stated that it is the municipality's assessment that thus - both with regard to current and former citizens in the municipality - there is generally authority to process the information mentioned.

However, in connection with the complainant's inquiry and request for deletion, the municipality set up - as part of the general journalism obligation - a case in the complainant's name, and the municipality has stated that the inquiry therefore raised the need for unambiguous identification.

The City of Copenhagen has stated that the existence of current and recently concluded cases concerning a citizen in the municipality's opinion presupposes that the municipality has accurate and current identification information about the citizen in question, e.g. to support the municipality's exercise of authority, including the duty to be able to handle requests for access to documents and inquiries regarding rights under the data protection rules in a sound and secure manner. In the municipality's assessment, such requests are an expression of the fact that citizens have a legal claim under e.g. the Public Access to Information Act, the Public Administration Act and the data protection rules.

Against this background, the municipality is of the opinion that in connection with the complainants' inquiry of 17 January 2018, a legal basis was established for obtaining information on complaints from the CPR register, cf. section 11 (1) of the Data Protection Act. 1, and that there is no basis for meeting the complainant's request of 18 April 2018 for renewed termination of the subscription to the complainant's personal data in the CPR.

#### Justification for the Danish Data Protection Agency's decision

It follows from section 32 of the CPR Act [2] that when an authority needs information that is registered in CPR, the authority may obtain the information in CPR, cf., however, section 33, subsection. 1.

Information collected through the CPR subscription includes non-sensitive personal information and confidential personal information. Processing of such information shall be in accordance with Article 6 (2) of the Data Protection Regulation. 1, letter a-f.

Pursuant to Article 6 (1) of the Data Protection Regulation 1, letter e, the processing of personal data is lawful if the processing is necessary for the purpose of performing a task in the interest of society or which falls within the exercise of public authority, which the data controller has been instructed to do.

The Danish Data Protection Agency initially assumes that the City of Copenhagen has, without the necessary authority, subscribed to CPR information on complaints in the Central Person Register for a longer period from his departure in February 1999 until his inquiry of 17 January 2018, and that the municipality background deleted the subscription to his personal information in CPR.

Furthermore, the Danish Data Protection Agency assumes that the complainant's inquiry to the City of Copenhagen on 17 January 2018 triggered a renewed subscription to his personal data in CPR, which in the opinion of the City of Copenhagen can be based on Article 6 (1) of the Data Protection Regulation. 1, letter e. The municipality has thus referred to the processing taking place to ensure that the municipality has accurate and current identification information about the citizen for e.g. to be able to handle any requests for access to documents or rights or other legal claims pursuant to e.g. the Public Access to Information Act, the Public Administration Act and the data protection rules.

Following a review of the case, the Danish Data Protection Agency finds reason to express criticism of both the City of Copenhagen's subscription of personal data prior to 17 January 2018 and after 17 January 2018, as in the Data Inspectorate's processing has not taken place in accordance with Article 6 para. . 1.

The Danish Data Protection Agency has hereby emphasized that the processing of information on the basis of Article 6 (1) of the Data Protection Regulation 1, letter e, shall be necessary. In the opinion of the Danish Data Protection Agency, what has been stated by the City of Copenhagen about the establishment of automatic personal subscriptions in CPR for the purpose of being able to handle any requests for access to documents or rights can not be considered necessary under Article 6 (1) of the Data Protection Regulation. 1, letter e.

The Danish Data Protection Agency has placed special emphasis on the City of Copenhagen having the opportunity to make individual notices in CPR when there is a current need for updated information about a citizen, e.g. in cases where there may be a request for access to documents or the exercise of rights in a closed case. In this connection, the Danish Data Protection Agency also refers to Article 5 (1) of the Data Protection Regulation. 1, letter c, on data minimization.

[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] Executive Order of 2 June 2017 on the Central Person Register