

Decision

Diary no

2020-01-31

DI-2019-298

Yellow-Belly Decision Systems AB

Surbrunnsgatan 32

113 48 Stockholm

Supervision according to the Credit Information Act

(1973:1173) – Yellow-Belly Decision Systems

AB

The Swedish Data Protection Authority's decision

Datainspektionen revokes with the support of Section 17 of the Credit Information Act

(1973:1173) Yellow-Belly Decision Systems AB's (org. no. 556912-4885) permit

to carry out credit reporting activities.

Account of the supervisory matter

In December 2018, the Swedish Data Protection Authority drew attention to the fact that the company Nusvar

AB (Nusvar) launched the website [www.Mrkoll.se](http://www.Mrkoll.se) (Mrkoll). On the website

published information about all persons who are registered in Sweden.

The Mrkoll website is covered by such a certificate of publication as regulated in 1

Cape. Section 5 of the Freedom of Expression Act. A constitutionally protected website

is not normally covered by the provisions of the data protection regulation

(GDPR). The Swedish Data Protection Authority noted, however, that concerning some of the

registered there was information i.a. that "x lacks payment notes".

In light of this, the Swedish Data Protection Authority assessed that Mrkoll can be accepted

covered by the provisions of the Credit Information Act. The Swedish Data Protection Authority

initiated against the background of this supervision according to the Credit Information Act against

Nusvar on December 18, 2018, DI-2018-22737. It appeared in connection

thus that much of the information that Nusvar published on Mrkoll

had been obtained from Yellow-Belly Decision Systems AB (the Company). The company has

have not applied for the Data Inspectorate's consent to hand over or

provide your credit information register to Nusvar. The Swedish Data Protection Authority started

due to this, supervision of the company on 9 January 2019.

Postal address: Box 8114, 104 20 Stockholm

Website: [www.datainspektionen.se](http://www.datainspektionen.se)

E-mail: [datainspektionen@datainspektionen.se](mailto:datainspektionen@datainspektionen.se)

Telephone: 08-657 61 00

1 (6)

The Swedish Data Protection Authority

DI-2019-298

The Swedish Data Protection Authority has obtained an opinion from the company. The Swedish Data Protection Authority has also carried out an inspection at the company. The company has in the opinion and in

In connection with the inspection, among other things, the following was stated.

The company is part of the group Nodeus Group AB. The company is

personal data controller for its own credit information database. The company has

not any other registers.

At the end of 2018, the company carried out a base lift of basic data from its database

to Nusvar's database. The company has since provided Nusvar with supplies

about any changes (incremental delivery) of basic data (name,

address, housing type and, where applicable, company) every 14 days at Sveriges

population over 18 years. That information is used to create the search service

Mr Koll. That delivery also includes aggregated information on income and

payment notes. The financial information is aggregated in

cluster of at least 30 people. Financial information and information about

payment notes are thus not issued at individual level.

Aggregations are pre-made or pre-prepared. When the company made the clusters

the company generates a file as an excel list and Nusvar imports it into its

database. The company does not know how Nusvar reads in information that Nusvar retrieves

from the company's server. The company has not received any indication that Nusvar has anything

problems with downloading the data. It doesn't happen in real time. The file transfer

between the company and Nusvar is encrypted.

According to the specification, the company releases the following information to Nusvar;

Personal data:

For example, information about social security number, date of national registration, name,

civil registration address, social security number for spouse, spouse's registered partner.

Household data:

For example, information about different address types such as single-family addresses,

multi-family address if housing association or other, members of the household

contains a list of ID numbers.

Board involvement:

For example, information about the social security number of the board member and function

in the board.

2 (6)

The Swedish Data Protection Authority

DI-2019-298

Company Name:

For example, information about the social security number of a board member, postal code,

postal address, turnover, company status today.

Aggregations area:

Is a table produced by the company that contains social security numbers and which area to which the person belongs.

Area data:

Based on the company's developed cluster and containing aggregations of data,

i.a. financial data including presence of payment notes, for

an area. The cluster consists of e.g. maximum income, average income,

minimum income, median income for residents in the area.

Cluster refers to mathematical statistics based on postcode and street address,

combined to ensure that the content of the cluster is large enough

with dispersion measurements.

The company does not consider that the company transferred or assigned its

credit information register to Nusvar. The company only delivers

cluster information and address information to Nusvar. The company believes that

the company does not hand over credit information but de facto creates another

register, which is sent to Nusvar. It is thus a matter of different registers.

The company has therefore not applied for any consent according to section 13, first paragraph

the Credit Information Act.

In supervisory case DI-2018-22737, Nusvar has provided information that confirms this

what the company has stated about the parties' business relationship. The cooperation agreement between

the company and Nusvar were terminated on 8 April 2019 with immediate effect.

Reason for the decision

Applicable regulations

Section 13 first paragraph of the Credit Information Act states that registers which

used in credit reporting activities may be transferred or leased to another

only with the consent of the Swedish Data Protection Authority.

Section 17 of the Credit Information Act states that, in that case, the person who has permission to carry out credit reporting activities overrides a provision in the Credit Information Act, the Data Inspectorate may instruct him to take correction or notice a condition. If correction cannot be effected on something otherwise, the Swedish Data Protection Authority may revoke the permit. The same applies, if the conditions for the condition in general no longer exist.

According to section 19 first paragraph 2 of the Credit Information Act, the person who intentionally or through negligence violates section 13, first paragraph, is sentenced to a fine or imprisonment for a maximum of one year. Section 20 states that a credit information register can be declared forfeited if the register has been handed over or leased in violation of § 13 the first paragraph.

The Swedish Data Protection Authority's assessment

The Swedish Data Protection Authority states that the company through the basic lift of basic data from transferred its credit information register to Nusvar's database credit information register to Nusvar. The company has subsequently assigned its credit information register to Nusvar through deliveries of updates and information every 14 days from November 2018 to April 2019.

A certain part of the disclosure has concerned information in clustered form.

The Swedish Data Protection Authority considers this to be irrelevant with regard to the question of the company's credit information register has been provided or not. All information about natural and legal persons as a credit reference company processed for credit reporting purposes is covered by the provisions of § 13 the Credit Information Act regardless of how the information is organized. It is not possible to circumvent the provisions of § 13 by temporarily separating from certain

credit reference information from a credit reference register and place the information in a separate register which is then called something other than "credit information register". The current information is taken from the credit information register even if the company processes the information according to Nusvar's wishes before it is passed on to Nusvar. It moves thus not about two different registers.

The company has by handing over and assigning its credit information register to Nusvar without first obtaining the Datainspektionen's consent acted in conflict with section 13 first paragraph of the Credit Information Act. The plot is to be regarded as serious because the Swedish Data Protection Authority would probably have refused an application for consent if one had been made.

4 (6)

The Swedish Data Protection Authority

DI-2019-298

The Swedish Data Protection Authority has on previous occasions refused credit reporting company's request for consent to transfer or assign credit information register for companies that provide credit report information on websites only supported by certificate of issue. A company whose operations are covered by constitutional protection does not need Datainspektionen's permission to operate credit reporting activities. This circumstance means that

The Swedish Data Protection Authority cannot assess whether the company's operations can be assumed to be conducted in an expert and judicious manner. The Swedish Data Protection Authority lacks in addition, the possibility to decide on conditions according to the Credit Information Act for such companies. Datainspektionen's refusal decision has been established by judgment in the Court of Appeal in Stockholm, Case No. 8023-08.

## Revocation of permit

The company has acted in violation of Section 13, first paragraph, of the Credit Information Act by handing over and entrusting their credit information register to Nusvar without Datainspektionen's consent. The Swedish Data Protection Authority considers it to be one material default which is irreversible and which cannot be remedied by an order to correct or by a new condition be notified. The Swedish Data Protection Authority therefore finds reason to revoke the permit.

## How to appeal

If you want to appeal the decision, you must write to the Swedish Data Protection Authority. Enter in the letter which decision is being appealed and the change you are requesting.

The appeal must have been received by the Swedish Data Protection Authority no later than three weeks from the day you were informed of the decision. The Swedish Data Protection Authority sends the appeal further to the Administrative Court in Stockholm for examination, if the inspection does not itself changes the decision in the way you have requested. Even the Chancellor of Justice can appeal the decision to safeguard public interests. Time for however, appeals before the Chancellor of Justice are counted from the day the decision is made was announced.

Provided that the appeal does not contain any sensitive to privacy personal data or information that can be covered by confidentiality, you can e-mail the appeal to [datainspektionen@datainspektionen.se](mailto:datainspektionen@datainspektionen.se).

5 (6)

The Swedish Data Protection Authority

DI-2019-298

This decision has been made by the unit manager Catharina Fernquist after presentation by department director Hans Kärnlöf. At the final

Chief legal officer Hans-Olof Lindblom participated in the proceedings.

Catharina Fernquist, 2020-01-31 (This is an electronic signature)

Copy to:

JK

6 (6)