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Business company - rental of ski equipment

The inspection was initiated on the basis of a complaint from a Polish citizen, which the Office received through the System for the Exchange of Information on the Internal Market. The complaint was directed against the practice of the controlled company, which copies personal documents of clients as part of its business activity when renting out sports equipment. The complainant stated in his complaint that he was insufficiently informed about why his personal document was being copied and how his personal data would be handled.

The subject of the control was the processing of personal data during the operation of the controlled business, and in particular Article 5 paragraph 1 letter c), Article 6 and Articles 15 to 21 of Regulation (EU) 2016/679, both in the scope of the complaint and in the area of compliance with Regulation (EU) 2016/679 with regard to the company's client database.

The check was initiated by a local investigation. The entire course of the inspection was characterized by the cooperation of the inspected. Although the inspected entity corrected a number of violations during the inspection, the inspectors concluded that the inspected entity, in the form of taking scans of identity cards, violated the obligation set forth in Article 7 point 1 of Regulation (EU) 2016/679, i.e. that it does not process personal data in a lawful manner, because it cannot prove the existence of the data subject's consent to this processing, as the only legal reason that can be considered for the processing of other data listed in the identity card, which are not in any way necessary for the purposes of concluding a contract, fulfilling obligations stipulated by law or for the legitimate interests of the controlled. As a result of the absence of properly granted consent, there was also a violation of Article 6, paragraph 1 of Regulation (EU) 2016/679 controlled for those personal data that are processed beyond the scope of necessity for the conclusion of the contract, the fulfillment of statutory obligations or legitimate interests of the controlled.

Furthermore, the controlled party did not credibly explain the scope of personal data in relation to the purposes for which it processes them. By processing ID card scans, the stored and processed personal data is duplicated, and in addition, other personal data contained on the identity card that are not relevant for the given processing are processed. In some cases, special category personal data may have been processed. Therefore, the inspectors found a violation of the principle according to Article 5 paragraph 1 letter c), according to which personal data must be adequate, relevant and limited to the

necessary scope in relation to the purpose for which they are processed ("data minimization").

The inspection found that customers were not informed in writing about the processing of personal data and rights according to Article 13 of Regulation (EU) 2016/679 (on site or via the website, only orally). Therefore, the inspectors evaluated the detected situation in such a way that, at least until March 12, 2020, there was a violation of the obligations arising from Article 13 of Regulation (EU) 2016/679.

The inspectors further evaluated the situation found that the inspected party violated its obligations arising from Article 15-21 of Regulation (EU) 2016/679, as the request to exercise rights according to Article 15-21 of Regulation (EU) 2016/679 is recorded by the employee according to the statement of the inspected party on the shop. The information is sent to the responsible employee, who further informs the customer about the processing of his request without unnecessary delay, within a maximum period of one month. However, the auditee did not inform the customer about the way in which he can exercise these rights in any demonstrable way.

The inspection report was delivered to the inspected party on June 12, 2020. On June 25, the inspected party waived its objections in writing.

The control procedure will be followed by the procedure for imposing remedial measures connected with the procedure for imposing a fine.

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