

## Complaint about search function on the municipality's website

Date: 25-10-2019

### Decision

#### Public authorities

The Danish Data Protection Agency has made a decision in a case where a citizen complained that a municipality processed information about the citizen in connection with a "type-ahead" search function on the municipality's website. In the case, the Danish Data Protection Agency found that there was a legal basis for the processing of information in question.

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### Summary

The Danish Data Protection Agency has made a decision in a case where a citizen complained that a municipality processed information about the citizen in connection with a "type-ahead" search function on the municipality's website. In the case, the Danish Data Protection Agency found that there was a legal basis for the processing of information in question.

That search feature automatically suggested specific search suggestions. Thus, when entering certain words, the complainant's name was automatically suggested and two search results appeared during the search.

In the case in question, the municipality had stated that it was a "type-ahead" function that is used on many municipal, regional and state websites. The purpose of the function was to offer a better service to the citizens. The municipality further stated that when a user performs a search, only the entered keyword is stored in the search engine.

In its decision, the Danish Data Protection Agency emphasized, among other things, the municipality's assessment that the search function is a tool that must support the municipality's compliance with the general duty of guidance to citizens in connection with content-heavy websites such as the one in question.

### Decision

The Danish Data Protection Agency hereby returns to the case where X (hereinafter complaints) on YX 2019 has contacted the Authority regarding Y Municipality's processing of personal data on complaints in connection with a search function on Y Municipality's website.

### Decision

After a review of the case, the Danish Data Protection Agency finds that the processing of information in question in Y

Municipality takes place within the framework of the rules of the Data Protection Ordinance.

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

## 2. Case presentation

Y Municipality's website has a search function which, when entered, suggests specific search suggestions. By entering, for example, "XX" in the search field on the website, the complainant's names "XXX XXX" and "XXX YYY" are automatically suggested.

One of the two total search results that appear when searching for the complainant's name "XXX XXX" is a publication with the heading "Z", which, however, has no connection to the complainant. The search result is seen to appear as a result of the publication mentioning people with the surname "A" and the first name "B", respectively. The second search result concerns the publication "Q", which contains the complainant's name.

Y Municipality has on 11 July 2019 issued a statement on the matter, to which complainants on 16 July 2019 have sent their comments.

### 2.1. Y Municipality's comments

Regarding the search function, Y Municipality has generally stated that it is a "type-ahead" function that is used on the websites of many municipal, regional and state authorities. The solution has been used since 2011 on Y Municipality's website. Y Municipality has stated that it is data responsible for the processing of the personal data that the search function entails. The processing takes place on the basis of Article 6 (1) of the Data Protection Regulation. 1, letter e.

Y Municipality has stated in more detail about the purpose of the "type-ahead" search function that it aims to be able to offer a better service for the municipality's citizens by making the search easier and faster by showing the user the search terms on which the website can deliver results. Furthermore, Y Municipality has stated that website users expect and enjoy a function as "type-ahead" especially on content-heavy websites, and that the search function can otherwise be a help for users with cognitive challenges.

The function works in such a way that previously used (good / popular) keywords are used by the search engine to come up with suggestions for which words a user wants to search for. Thus, when a user enters parts of a keyword, a search is made in the search history, and the search engine shows the previously searched words from all users whose keywords have matched the keyword used. The reason why the search engine suggests the name of the complainant is thus a consequence of the fact

that this has been searched for in the past.

When a user performs a search, only the entered keyword is stored in the search engine. Y Municipality has thus stated that "type-ahead" does not process personal data on complaints. All keywords are saved as simple text strings, which is why it is basically not possible for the function to distinguish between whether the keyword is a personal name or something else. However, there is a built-in functionality that ensures that no social security numbers are presented. A sorting out of personal names that has previously been applied for would otherwise, in the municipality's assessment, impair the service.

## 2.2. Complainant's remarks

Complainants have generally stated that complainant's name can not be a popular keyword, just as there is no logical or semantic connection between "XX" and "XXX YYY". Furthermore, the complainants have stated that one search result is not relevant in relation to the search on the complainant's name.

Complainants are thus of the opinion that the keyword should not be saved and that the presentation of the complainant's name is not proportionate or in accordance with the basic principles of Article 5 of the Data Protection Regulation.

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

The Danish Data Protection Agency finds that in connection with the search function on Y Municipality's website, personal data on complaints is processed in the form of complainants' names, as complainants' names have such a special character that they can be attributed to complaints, just as Y Municipality must be able to identify complaints solely on the basis of the name.

The Danish Data Protection Agency assumes that the processing does not deal with sensitive personal data.

It follows from Article 6 (1) of the Data Protection Regulation 1, letter e, that the processing of such personal data may take place 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 has been imposed on the data controller.

The Danish Data Protection Agency finds no basis for overriding Y Municipality's assessment that the processing can take place within the framework of Article 6 (1) of the Data Protection Regulation. 1, letter e.

The Danish Data Protection Agency has hereby assumed that Y Municipality has assessed that the search function and the associated processing of personal data is related to the municipality's exercise of authority, and that the processing is necessary for the sake of this exercise of authority.

In this connection, the Danish Data Protection Agency has emphasized the information on the purpose of the search function,

as Y Municipality considers the search function as a tool to support the municipality's compliance with the general duty to provide guidance to citizens.

The Danish Data Protection Agency does not find grounds to reject that the search function is a common and effective search tool in connection with content-heavy websites such as the one in question.

In the opinion of the Data Inspectorate, the complainant's remark that one search result is not relevant in relation to the search in the complainant's name cannot lead to a different assessment. In this connection, the Danish Data Protection Agency notes that the search result ("Z") appears on the basis of a semantic search on the individual text strings contained in the complainant's name.

The Danish Data Protection Agency notes that, in principle, complaints only by entering one's own name in the search field could have created a basis for the search engine to have saved the keywords used.

The Danish Data Protection Agency then finds no basis for overriding Y Municipality's assessment that the processing is in accordance with the basic processing principles in Article 5 of the Data Protection Regulation, including the principle that personal data must be sufficient, relevant and limited to what is necessary for those purposes. , for which they are processed ("data minimization"), in accordance with Article 5 (1). 1, letter c.