

Pursuant to Article 35 (4) of 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 Regulation on Data Protection), Articles 1 and 4 of the Act Implementing the General Regulation on Data Protection (Official Gazette No. 42/18), Article 12 of the Statute of the Personal Data Protection Agency and having regard to the Guidelines on Data Protection Impact Assessment and Determining Whether Processing Procedures Are “Likely to Risk a High Risk” within the meaning of Regulation 2016/679 (WP 248 rev. 01), adopted on 4 April 2017, and last revised and adopted 4 October 2017 and Opinion of the European Data Protection Board 25/2018 on the draft list of the Personal Data Protection Agency on the types of processing operations subject to the request for data protection impact assessment

the director of the Agency for Personal Data Protection brings

DECISION

on the establishment and public disclosure of the list of types of processing operations subject to the request for data protection impact assessment

I.

In addition to the cases provided for in Article 35 (3) of the General Data Protection Regulation, taking into account the exception provided for in Article 35 (10) of the General Data Protection Regulation, the personal data protection impact assessment is mandatory when processing personal data in the following cases:

- 1) Processing of personal data for the purpose of systematic and comprehensive profiling or automated decision-making in order to draw conclusions that significantly affect or may significantly affect an individual and / or several persons or serve to assist in making decisions about access to a service or benefit (eg such as the processing of personal data relating to economic or financial status, health, personal preferences, interests, reliability, behavior, location data, etc.);
- 2) Processing of special categories of personal data for the purpose of profiling or automated decision making;
- 3) Processing of personal data of children for the purpose of profiling or automated decision-making or for marketing purposes, or for direct offering of services intended for them;
- 4) Processing of personal data collected from third parties that are taken into account for making a decision related to the conclusion, termination, rejection or extension of the contract for the provision of services to natural persons;

- 5) Processing of special categories of personal data or personal data on criminal or misdemeanor liability on a large scale;
- 6) Processing of personal data using systematic surveillance of publicly available places on a large scale;
- 7) Use of new technologies or technological solutions for the processing of personal data or with the possibility of processing personal data (eg application of the "Internet of Things", such as smart TVs, smart home appliances, communication toys, smart cities, smart energy meters, etc. .) which serve to analyze or predict the economic situation, health, personal preferences or interests, reliability or behavior, location or movement of natural persons;
- 8) Processing of biometric data when at least one other criterion from the Guidelines on Data Protection Impact Assessment (WP 248 rev. 01) is met to assess whether certain processing procedures are likely to pose a high risk to the rights and freedoms of respondents;
- 9) Processing of genetic data when at least one other criterion from the Guidelines on Data Protection Impact Assessment (WP 248 rev. 01) is met to assess whether certain processing procedures are likely to pose a high risk to the rights and freedoms of respondents;
- 10) Processing of personal data by linking, comparing or verifying concurrence from multiple sources;
- 11) Processing of personal data in a manner that includes monitoring the location or behavior of an individual in the case of systematic processing of communication data (metadata) generated by telephone, Internet or other communication channels such as GSM, GPS, Wi Fi, monitoring or processing location data;
- 12) Processing of personal data using devices and technologies where the incident may endanger the health of an individual or several persons;
- 13) Processing of personal data of employees using applications or monitoring systems (eg such as processing of personal data for monitoring work, movement, communication, etc.).

II.

In addition, the Personal Data Protection Agency emphasizes that the existence of a list of processing procedures subject to a data protection impact assessment request does not in any way diminish the general obligation of the controller to conduct appropriate risk assessment and risk management. Also, the implementation of a data protection impact assessment does not release processors from the obligation to comply with other obligations of the General Data Protection Regulation or other obligations contained in the applicable legislative framework (EU or national). Moreover, that list is in no way restrictive or

exclusive, since a data protection impact assessment is always necessary if the conditions of Article 35 (1) of the General Data Protection Regulation are met.

In addition to the above, the Agency for Personal Data Protection points to the fact that the list is subject to further development and may be changed in accordance with additional identified or emerging risks of processing. The assessment of the impact on the protection of personal data must be carried out before processing. The obligation to consult the supervisory authority before processing only exists if the data protection impact assessment shows that, if the controller does not take risk mitigation measures, the processing would lead to a high risk.

III.

This Decision shall enter into force on the day of its adoption and shall be published on the website of the Personal Data Protection Agency.

With the entry into force of this Decision, the Decision on the Establishment and Public Publication of the List of Types of Processing Procedures Subject to the Request for Data Protection Impact Assessment CLASS: 004-04 / 18-01 / 01,

REGISTRATION NUMBER: 567-01 / 01-18-01 of May 25, 2018

CLASS: 004-04 / 18-01 / 01

REGISTRATION NUMBER: 567-01 / 01-18-02

Zagreb, 21 December 2018