

Letters in e-Box from Visitdenmark

Date: 21-11-2019

Decision

Public authorities

It was not in breach of the data protection rules that Visitdenmark sent letters via e-Box under the topic "Important information for you with a holiday home". Visitdenmark is a public authority and the letters were sent for the purpose of informing holiday home owners about new tax rules and more favorable terms for renting holiday homes. However, the Danish Data Protection Agency criticizes the fact that Visitdenmark has not sufficiently complied with the authority's duty to provide information.

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Summary

In April 2019, the Danish Data Protection Agency initiated a case of its own motion against Visitdenmark, when the Danish Data Protection Agency, through media coverage and a number of citizen inquiries, had become acquainted with Visitdenmark's sending letters via e-Box under the topic "Important information for you with a holiday home."

On 21 November, the Danish Data Protection Agency made a decision in the case. The Danish Data Protection Agency found that Visitdenmark's processing of personal data in connection with the sending of the letters has taken place within the framework of the data protection law rules.

However, the Danish Data Protection Agency found that Visitdenmark had not sufficiently complied with the authority's duty to provide information pursuant to Article 14 of the Data Protection Regulation.

In the decision, the Danish Data Protection Agency emphasized that Visitdenmark is a public authority in accordance with Act no. 648 of 15 June 2010. The Danish Data Protection Agency also emphasized that the processing was carried out as part of Visitdenmark's exercise of authority, as Visitdenmark, on the basis of an agreement entered into in the Folketing on 17 May 2018, was instructed to organize a campaign aimed at getting more Danes to rent out their holiday home. .

Decision

The Data Inspectorate hereby returns to the case, where the Authority, on the basis of media coverage and a number of inquiries from citizens regarding Visitdenmark's sending a letter with Digital Post under the topic "Important information for you with a holiday home", has chosen to investigate the case further.

## Decision

Following an examination of the case, the Danish Data Protection Agency finds that Visitdenmark's processing of personal data in connection with the sending of a letter with Digital Post has taken place within the framework of the rules in Article 6 (1) of the Data Protection Regulation [1]. 1 and the Data Protection Act [2] § 11, sec. 1.

However, the Danish Data Protection Agency finds that Visitdenmark has not sufficiently complied with the authority's duty to provide information pursuant to Article 14 of the Data Protection Regulation, which gives the Authority an opportunity to express criticism.

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

### 2. Case presentation

Following media coverage and a number of specific citizen inquiries, the Danish Data Protection Agency has become aware of Visitdenmark's processing of personal data in connection with the sending of letters with Digital Post under the topic "Important information for you with a holiday home".

#### 2.1. Visitdenmark's comments

Visitdenmark has stated in the case that, on the basis of an agreement entered into in the Folketing on 17 May 2018 [3], the authority was instructed to organize a campaign aimed at getting more Danes to rent out their holiday home.

Visitdenmark has stated that in connection with the campaign, information on name, social security numbers and information in the form of property and owner information from the BBR register was processed. During the collection in BBR, four device usage codes were used, which identified approx. 234,000 households / unique addresses. Visitdenmark has also stated that a sorting took place on the basis of a number of established criteria. Subsequently, the number of holiday homes / holiday home owners was reduced to approx. 180,000.

The list of owner and property information was then handed over to the CPR register, which applied personal numbers to the list for use via e-box.

Visitdenmark has stated that the processing of the personal data in question has taken place pursuant to Article 6 (1) of the Data Protection Regulation. 1, letter e, as the processing falls under the exercise of public authority. The processing of information on social security numbers has been carried out in accordance with the Data Protection Act, section 11, subsection. 1, as the processing is necessary for the purpose of unambiguous identification of the data subjects in connection

with the sending of letters via Digital Post.

Visitdenmark further states that the processing was carried out in accordance with the basic principles of Article 5 of the Data Protection Regulation, including the principle of purpose limitation (paragraph 1 (b)).

Regarding compliance with Visitdenmark's duty to provide information, the authority has stated that in connection with the sending of the letters, no separate notification was given to the data subjects pursuant to Article 14 of the Data Protection Regulation.

According to Visitdenmark, however, the disclosure obligation was partially fulfilled, as the letter contained a number of the information to be provided pursuant to Article 14 of the Regulation, including information on where the information was collected, contact information on Visitdenmark and the purpose of processing the personal data.

After Visitdenmark became aware that the duty to provide information had not been fulfilled, a letter was prepared with information in accordance with Article 14 of the Regulation, which was sent to the citizens who subsequently approached Visitdenmark.

On the basis of the specific case, Visitdenmark has also found an opportunity to disseminate targeted information to employees regarding fulfillment of the duty to provide information, so that the duty to provide information is observed in the future when personal data is collected.

Justification for the Danish Data Protection Agency's decision

### 3.1. Basis for treatment

The processing of personal data must take place in accordance with Article 6 (1) of the Data Protection Regulation. 1, letter a-f. It is clear from Article 6 (1) 1, letter e, that treatment hereafter i.a. 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 in accordance with Article 6 (1). 1, letter e.

Public authorities may also process information on personal identity numbers for the purpose of unambiguous identification or as a record number pursuant to section 11 (1) of the Data Protection Act. 1.

Visitdenmark is a public authority in accordance with Act no. 648 of 15 June 2010.

The Danish Data Protection Agency does not find grounds to override Visitdenmark's assessment that the processing of the information in question was necessary for the purpose of performing a task which falls within the exercise of public authority,

which Visitdenmark has been assigned, cf. Article 6 (1) of the Data Protection Regulation. 1, letter e.

After a review of the case, the Danish Data Protection Agency also finds that Visitdenmark's processing of information on social security numbers has taken place in accordance with section 11 of the Data Protection Act.

The Danish Data Protection Agency has hereby emphasized that Visitdenmark has processed the information in question with a view to unambiguous identification for use in sending out Digital Post.

On this basis, the Danish Data Protection Agency finds that Visitdenmark's processing of personal data has taken place in accordance with the rules in Article 6 (1) of the Data Protection Regulation. 1, letter e and the Data Protection Act § 11, para. 1.

### 3.2. Duty to provide information when collecting name and BBR information

In cases where personal data have not been collected from the data subject, it follows from Article 14 (1) of the Data Protection Regulation 1, that it is the responsibility of the data controller to provide the data subject with a number of pieces of information.

In addition, under Article 14 (1) of the Regulation, the data controller must: 2, provide the data subject with a number of additional information necessary to ensure fair and transparent processing in respect of the data subject.

As Visitdenmark has stated in the case that the authority did not notify the data subjects when collecting the personal data in question, which in the authority's assessment should have been given, it is the Data Inspectorate's opinion that Visitdenmark has not sufficiently complied with the authority's duty to provide information under the Data Protection Regulation. 14, which gives the Authority an opportunity to express criticism.

The Danish Data Protection Agency has noted that Visitdenmark, on the basis of the specific case, has found an opportunity to disseminate targeted information to employees regarding fulfillment of the duty to provide information, so that the duty to provide information is observed in the future when collecting personal data.

### 3.3. Duty to provide information when collecting social security numbers in the CPR register

The Danish Data Protection Agency should note that it appears from Article 14 (1) of the Data Protection Regulation 5 (c) that the duty of disclosure does not apply to the extent that collection or disclosure is expressly provided for in EU law or the national law of the Member States to which the data controller is subject and which provides for appropriate measures to protect the legitimate interests of data subjects.

On the basis of the above, it is the Danish Data Protection Agency's assessment that the duty to provide information in connection with the collection of social security numbers in the CPR register could be exempted pursuant to Article 14 (1). 5, letter c, as the collection of social security numbers for use in sending letters via Digital Post, is expressly stipulated by law, to which Visitdenmark is subject, as it is by the Act on Digital Post § 7, para. 1, it appears that public senders are entitled to use Digital Post for communication with natural persons.

[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

[2] Act No. 502 of 23 May 2018 on supplementary provisions to the Regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the Data Protection Act)

[3] Agreement on Better conditions for growth and correct tax payment in the sharing and platform economy of 17 May 2018  
<https://em.dk/aftaler-og-udspil/2018/aftale-om-dele-og-platformatsoekonomien/>