

Private company set for fine

Date: 07-07-2021

Decision

Private companies

Police report

Complaint

Punishable conditions

The Norwegian Data Protection Authority assesses that a company has passed on information about criminal matters without having the authority to do so.

The Danish Data Protection Authority has reported Nordbornholms Byggeforretning ApS to the police for having unjustifiably passed on information about criminal offenses about a former employee to two of the company's customers. The Danish Data Protection Authority has proposed a fine of DKK 400,000.

In 2018, the Danish Data Protection Authority was contacted by a citizen who complained that the citizen's former employer, Nordbornholms Byggeforretning ApS, had unjustifiably passed on information about the citizen to the company's customers. Nordbornholms Byggeforretning ApS had informed two of the company's customers by e-mail that the former employee had committed and acknowledged having committed criminal offenses in employment, and had described in detail how the criminal offense of fraud should have been committed.

Balancing of interests

Part of the information that was passed on must be assessed as information about criminal matters, as it is information about a criminal matter reported to the police, which for the recipient must be considered to be substantiated. Such information can only be passed on if there is a right to do so pursuant to Section 8, subsection of the Data Protection Act. 4, cf. subsection 3. This may, for example, be the case if the disclosure takes place to serve private interests that clearly exceed consideration for the interests that justify secrecy.

The Danish Data Protection Authority has assessed that, in a case such as the present one, the company had a legitimate interest in passing on information about the dismissal of the former employee to its customers and in informing the customers that, as a result, the employee could not enter into agreements on behalf of the company.

"It must be considered legitimate to inform one's customers that an employee who previously represented the company is no longer employed, and thus can no longer enter into agreements on behalf of the company, but detailed descriptions of the charges against the former employee, including information that the former employee should have acknowledged the relationship during an interrogation by the police, and how large an amount the former employee had defrauded, we believe are not necessary to safeguard the legitimate interest," says the committee's Birgit Kleis, Data Protection Authority.

Why report to the police?

The Danish Data Protection Authority always makes a concrete assessment of the seriousness of the case pursuant to Article 83, paragraph 1 of the Data Protection Regulation. 2, when assessing which sanction is the correct one in the opinion of the supervisory authority.

In the assessment that a fine should be imposed, the Danish Data Protection Authority has emphasized the fact that information about criminal offenses relating to a former employee has been passed on, and that the information has been passed on to business partners on Bornholm, which is a relatively limited area, where the former employee was still resident and had to continue his working life.