

Supervision of Danske Bank A/S' handling of access requests

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Decision

Private companies

Serious criticism

Supervision / self-management case

The right to access

The Danish Data Protection Authority has completed a series of inspections of five selected banks' and savings banks' handling of requests for insight from customers. The audits focused on guidelines and procedures for handling customer requests for insight.

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Summary

The Danish Data Protection Authority has completed supervision of five selected banks' and savings banks' handling of requests for insight from customers. The banks and savings banks were, among other things, selected based on the number of complaints with the Data Protection Authority and consisted of Danske Bank A/S, Sparekassen Sjælland-Fyn A/S, Basisbank A/S, Sparekassen Kronjylland and Ringkjøbing Landbobank Aktieselskab.

Serious criticism of Danske Bank

The Danish Data Protection Authority expressed serious criticism that Danske Bank's procedure for handling requests for insight from customers was not in accordance with the data protection rules. The bank's procedure consisted of a layered approach, where the customer could gain insight into his information in three different ways, and the Danish Data Protection Authority found that this layered approach was not in accordance with the data protection regulation.

The procedures at four out of five banks supported the right of access

The Data Protection Authority also found that Sparekassen Sjælland-Fyn A/S', Basisbank A/S', Sparekassen Kronjylland and Ringkjøbing Landbobank Aktieselskab's procedures for handling requests for insight from customers supported the right to insight.

From the Data Protection Authority's final statements in the individual inspections, it appears, among other things, following:

that Sparekassen Sjælland-Fyn A/S' procedure for responding to requests for insight from customers consists of creating an insight report supplemented with a manual review of systems and databases that the technical solution does not include.

that Basisbank A/S' has prepared templates to answer requests for insight from customers, and that the bank attaches a copy of the information that the bank processes about the person in question.

that Sparekassen Kronjylland's handling of access requests consists of manually creating an access report and supplementing with other information that may be relevant in the individual case. The Danish Data Protection Authority recommended that Sparekassen Kronjylland consolidate its many workflows for handling access requests in order to support a uniform practice in the organization and to clarify the procedure in the workflow.

that Ringkjøbing Landbobank Aktieselskab forms an insight report when the bank responds to a request for insight, and attaches any additional material that the customer requests at the same time. The Danish Data Protection Authority recommended that Ringkjøbing Landbobank Aktieselskab clarify the process for handling access requests in the bank's workflow.

You can read the Data Protection Authority's final statements in the other inspections here:

Sparekassen Sjælland-Fyn A/S

Basisbank A/S

Sparekassen Kronjylland

Ringkjøbing Landbobank Aktieselskab

Decision

The Danish Data Protection Authority hereby returns to the case where the Danish Data Protection Authority decided to supervise Danske Bank A/S's handling of requests for access from data subjects in accordance with Article 15 and Article 12 of the Data Protection Regulation[1].

The Danish Data Protection Authority notes at the outset that the supervision is limited to Danske Bank A/S' handling of requests for insight from customers.

1. Decision

After a review of the case, the Danish Data Protection Authority finds that Danske Bank A/S' procedure for handling requests for access from data subjects has not been in accordance with Article 15 and Article 12 of the Data Protection Regulation,

which gives the Danish Data Protection Authority grounds for serious criticism.

The Danish Data Protection Authority has noted that Danske Bank A/S has subsequently changed the bank's processes for handling access requests.

Below follows a closer review of the case and a rationale for the Data Protection Authority's decision.

2. Case presentation

By letter of 10 November 2021, the Data Protection Authority has requested Danske Bank A/S for an opinion and a copy of the bank's possible procedures, guidelines, templates, etc. for handling requests for insight that Danske Bank A/S has made on 14 December 2021.

Subsequently, on 17 January 2022, the Danish Data Protection Authority asked Danske Bank A/S a series of in-depth questions, which the bank answered on 3 March 2022.

2.1. Danske Bank A/S' comments

Danske Bank A/S has stated that the bank's procedure for processing a customer's request for access to personal data has three components, through which the customer can gain access to information about himself. The components consist of a) self-service solutions where the customer can access a range of information himself b) an automatically generated report of selected information, called "Customer Data Insight Report" (CDI report) and c) an in-depth report with personal data registered as part of the customer relationship.

Danske Bank A/S has stated the following about the three components:

"a) Self-service solutions

The customer has the option of accessing a range of general personal data that is processed about the customer via the bank's self-service solutions. In the online bank and Danske Mobil Bank, the customer can get an overview of e.g. name, address, e-mail, customer number and telephone number.

In addition, the customer can get an overview of the given consents, transactions, account overviews, messages from the bank and electronic agreement documents that appear in the online bank.

b) Customer Data Insight report

The customer can also request a Customer Data Insight report (CDI report). The CDI report contains an overview of a range of information that Danske Bank processes about the customer as part of the customer relationship, including personal data. The

CDI report does not contain all registered information about the customer, which the customer is informed about in the cover letter. It also appears from the cover letter that the customer can write to GDPRinsight@danskebank.dk if the customer wishes to receive an in-depth overview of the information that Danske Bank processes about the customer.

The customer can request the CDI report by using an online form on Danske Bank's website or via Danske Mobil Bank. The customer can also request the CDI report by contacting a branch, Danske Bank's customer service, the customer's adviser or by calling Danske Bank's main number.

The CDI report is then generated automatically on the basis of extracts from Danske Bank's systems, after which the CDI report is sent to the customer's online bank or to the channel agreed with the customer, e.g. e-box, e-mail or physical post.

c) Detailed report

If the customer wishes to have access to more information, the customer can request an in-depth report. The customer has the option to request an in-depth report at the first request for insight or after receiving the CDI report.

The customer can request the in-depth report by writing to GDPRinsight@danskebank.dk. As mentioned above, the customer is informed of the possibility of this in the cover letter for the CDI report. The customer can also request the detailed report by contacting a branch, Danske Bank's customer service, the customer's adviser or by calling Danske Bank's main number.

An in-depth report is manually generated by Danske Bank's GDPR Support Team, which examines Danske Bank's systems and identifies additional personal data, including historical information that Danske Bank processes about the customer. The historical information includes e.g. previously registered addresses, payment agreements, collateral and agreements that the customer has had with the bank. The information is collected in the in-depth report, which is then sent to the customer via the same channel as the CDI report.”

Danske Bank A/S has further stated that the bank has drawn up a number of specific and process-oriented business procedures and guidelines for the handling of requests for insight, including a procedure aimed at employees with customer contact, which describes the customer's option to request a CDI report and an in-depth report. In addition, the business process contains a job description for Danske Bank A/S' employees upon receipt of a request for insight as well as the process for ordering a CDI report and/or an in-depth report. Danske Bank A/S has also prepared a job description that describes the workflows for the GDPR Support Team when receiving a request for access, when the request is received via Danske Bank

A/S' website, when the request for access concerns children or sole proprietorships, and when a an in-depth report. Danske Bank A/S has also submitted a copy of the bank's templates for the CDI report, the detailed report and the report for sole proprietorships.

Danske Bank A/S has subsequently elaborated that the self-service solution is not intended to be a full response to a request for insight, but only a quick way for the customer to gain access to a structured overview of selected personal data, including correspondence, concerning the person in question. The CDI report also does not contain, and does not indicate to contain, all personal data processed about the customer, which the customer is informed about in the cover letter to the CDI report. Finally, the customer can request an in-depth report. It is Danske Bank A/S's view that such a layered approach generally complies with Articles 12 and 15 of the Data Protection Regulation. This requires a) that the customer is aware that the first two components do not represent full insight into information about the customer processed by Danske Bank A/S b) that the customer has received full insight through the third component.

Danske Bank A/S has finally stated that, as a result of customer inquiries and complaints to the Danish Data Protection Authority, the bank has set up a working group that has reviewed Danske Bank A/S's existing processes from start to finish in relation to the handling of requests for insight from registered. Danske Bank A/S has – as a result of the work of the established working group – changed the process for handling requests for insight. This entails changes in the communication regarding the CDI report and the content of the in-depth report. In addition, structural changes have been made in Danske Bank A/S in relation to the process for handling requests for insight.

In future, Danske Bank A/S will - upon receipt of a request for insight, which is not limited to specific information - provide the in-depth report. This means that information about the customer will be searched in the systems that Danske Bank A/S has indicated to the supervisory authority, as well as information stored in other data stores. Personal data will then be provided in appropriate formats, including copies of customer-related documents and correspondence. The central team is responsible for ensuring that documents/information not covered by the right of access are removed/crossed out where relevant.

It will still be possible for customers to request a CDI report on the bank's website as well as through other channels, e.g. by calling the customer's bank advisor. According to Danske Bank A/S, the CDI report will be more clearly communicated as a quick way to get an overview of certain data that Danske Bank A/S processes about the customer.

Finally, Danske Bank A/S has stated that it is the bank's opinion that the amended solution complies with Article 15 of the Data

Protection Regulation, cf. Article 12.

3. Reason for the Data Protection Authority's decision

3.1.

It follows from Article 15 of the Data Protection Regulation that the data subject has the right to obtain the data controller's confirmation as to whether personal data relating to the person in question is being processed and, if applicable, access to the personal data and a range of supplementary information.

One of the basic purposes of the right of access is that the data subject has the opportunity to check the correctness of the personal data that the data controller processes – e.g. in order to make use of other rights such as the right to rectification or deletion.

The data subject therefore basically has the right to receive a copy of the information that the data controller processes about the person in question, unless the data subject has limited his request to specific information about the person in question, and/or an exception can be made to the right of access to information, cf. Article 12, Article 15 of the Data Protection Regulation, Section 22 of the Data Protection Act or other legal basis.

The right to access also implies that the registered person must be given access to the content of the information that is processed about the person in question. This means that the data controller can choose to hand over copies of, for example, original documents, case files, etc. to the person concerned, or to copy the information about the registered person into a new document or similar. The most important thing is that the registered person is given an actual copy of the information.

Finally, it follows from the data protection regulation article 12, paragraph 1, that notification in accordance with Article 15, i.a. must be transparent and easily accessible.

3.2.

The Danish Data Protection Authority assumes that Danske Bank A/S' procedure for handling access requests from data subjects consists of a layered approach, whereby the customer can gain insight into their information in the following three different ways:

by accessing certain information about themselves via the bank's self-service solution

by requesting a so-called "CDI report", which does not contain all the information that the bank processes about the person in question, and

by specifically requesting a so-called in-depth report, which contains more information about the person concerned.

The Danish Data Protection Authority finds that Danske Bank A/S's procedure for handling access requests, which has consisted of a layered approach, has not been in accordance with the data protection regulation's article 15 and article 12, which has given the authority grounds for expressing serious criticism.

The Danish Data Protection Authority has hereby emphasized that Danske Bank A/S' procedure, whereby the data subject is only given access to a report that does not contain all the information to which the data subject is entitled under Article 15 of the Data Protection Regulation - and accompanying information about, that additional personal data can be provided on request – is not in accordance with the data protection regulation's rules for access.

To the extent that the data subject is directed to access certain information themselves in, for example, Netbank, this can be done within the framework of Article 12 and Article 15 of the Data Protection Regulation, provided that it is simple and straightforward for the data subject to find the information himself.

The Danish Data Protection Authority has noted that Danske Bank A/S, in connection with the present supervisory case, has informed the supervisory authority that the bank has changed existing processes for the bank's handling of access requests.

The Norwegian Data Protection Authority notes that the Norwegian Data Protection Authority has not carried out a separate investigation into the bank's new procedures.

[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free exchange of such data and on the repeal of Directive 95/46/EC (general regulation on data protection).