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MESSAGE THE PRESIDENT OF THE PERSONAL DATA PROTECTION OFFICE

of June 17, 2019

on the list of types of personal data processing operations requiring a processing impact assessment for their protection

Based on Article. 54 sec. 1 point 1 of the Act of May 10, 2018 on the protection of personal data (Journal of Laws, item 1000 and 1669 and of 2019, item 730) in connection with Art. 35 sec. 4 and 6 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 in the matter of the free movement of personal data and the repeal of Directive 95/46 / EC (General Data Protection Regulation) (Journal of Laws UE L 119 of 04.05.2016, p. 1 and L 127 of 23.05.2018, p. 2) it is hereby announced as follows:

- 1) the list of types of personal data processing operations requiring an impact assessment is published for their protection, as referred to in art. 35 sec. 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 on data protection) - the list is specified in the attachment to the communication;
- 2) the list referred to in point 1 repeals the statement of the President of the Personal Data Protection Office of 17 August 2018 on the list of types of personal data processing operations requiring an impact assessment processing for their protection (MP item 827), a list not including processing activities related to providing goods or services to data subjects or monitoring their behavior in several countries member states of the European Union.

President of the Personal Data Protection Office: *J. Nowak*

LIST OF TYPES OF PERSONAL DATA PROCESSING OPERATIONS REQUIRING AN EVALUATION OF THE PROCESSING IMPACT FOR THEIR PROTECTION

The list below contains the types of processing operations that, in the opinion of the Office for Personal Data Protection require a data protection impact assessment. This list has been compiled as part of the obligation imposed on the Personal Data Protection Office pursuant to Art. 35 sec. 4 of Parliament's regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons in connection with the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (General Data Protection Regulation) as a Polish supervisory authority. This list does not release the controller from the obligation to analyze all processing operations based on a full data protection impact assessment pursuant to Art. 35 sec. 1 of the regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of persons individuals with regard to the processing of personal data and on the free movement of such data data and repealing Directive 95/46 / EC (General Data Protection Regulation). The list was based on the guidelines of the Article 29 Working Party (WP 248) "Guidelines for evaluation data protection implications, and helping to determine whether processing is likely to result in high the risk "for the purposes of Regulation 2016/679". This list complements and specifies the above guidelines.

As a rule, processing that meets at least two of the criteria listed below will require data protection impact assessments. In some cases, however, the data controller may find that processing that meets only one of the criteria listed below will need to be carried out data protection impact assessments. The more criteria the processing meets, the more there is likely a high risk of violating the rights or freedoms of data subjects, and consequently, regardless of the measures envisaged by the administrator to be applied, it is required there will be a data protection impact assessment.

The Office for Personal Data Protection emphasizes that each of the examples of areas of application is specific purely illustrative, and consequently "Examples of operations / scope of data / circumstances in which there may be a high risk of a breach for a given type of processing operation "are not exhausting. The examples in the list are only intended to help you better understand criteria / types of operations that may trigger an impact assessment for data protection.

This list is without prejudice to the general obligation of the administrator to make an appropriate assessment risk and risk management. Also, carrying out a data protection impact assessment does not exempt controller with other duties specified in the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of individuals with regard to processing personal data and on the free movement of such data, and repealing Directive 95/46 / EC (General Data Protection Regulation) and the obligations set out in other relevant regulations.

I. Types / criteria for processing operations, for which is required conducting the assessment	II. Potential areas of occurrence / existing application areas	III. Operation / scope examples data / circumstances in which it may occur high risk of a breach for a given type processing operations
1. Evaluation or evaluation, including profiling and prediction (analysis behavioral) for purposes causing negative legal and physical effects, financial or other inconvenience to people physical	Social media, marketing companies, headhunting companies Banks, other authorized financial institutions for lending, loan institutions in the creditworthiness assessment process Insurance companies - offering discounts related to lifestyle (cigarettes, alcohol, extreme sports, car driving style)	Profiling portal users social and other applications for the purpose sending commercial information Credit Score Using artificial intelligence algorithms, covered duty of secrecy and request disclosure of non-direct data in connection with the assessment of creditworthiness Assessment of lifestyle, eating, driving, method spending time, etc. of natural persons in order to, e.g. increasing the price of the insurance premium for them, on the basis of this assessment, called generally optimization of the insurance premium
2. Automated decision-making causing effects legal, financial or similar significant effects	Insurance companies - e.g. more favorable insurance or credit offers for employees of specific groups, e.g. administration public, teachers Roads covered by the segmental speed measurement (the system collects information not only about violating vehicles, but about all vehicles that show up in the controlled area), road sections equipped with an electronic collection system viaTOLL fees	Indirect profiling (assessment of a person based on belonging to a specific group) Monitoring systems used for traffic management, enabling detailed supervision of the driver and his behavior on road, in particular systems that allow automatic vehicle identification Automatic toll collection systems entry
3. Systematic monitoring to a large extent the scale of places available publicly exploiting recognition elements characteristics or properties objects that will appear in monitored space. To this group systems are not counted monitoring systems vision in which the picture is being recorded and only used in case of need incident analysis violations of the law	Online stores offering promotional prices for specific customer groups Companies that operate loyalty programs (purchasing communities) Marketing programs containing items profiling people Means of public transport, cities offering bicycle and car rental systems and designating paid parking zones Workplaces (system monitoring IT electronic mail, used software, access cards e.t.c.) Processing of information obtained by Internet of Things (medical bands, smartwatches etc.) and their transmission over the network using mobile devices such as a smartphone or tablet Machine communication systems - the machine in which the car informs the environment about their behavior (movement) and in the event of an emerging threat receives from this environment (infrastructure road, other cars) announcements warning signs Opinion of the European Economic and -Social on radio frequency identification (RFID) (2007 / C 256/13) Hospitals / Research Organizations clinical Fitness clubs / entities / collecting organizations genetic material for research	Customer profiling systems for identifying shopping preferences, automatic setting of promotional prices based on the profile Monitoring purchases and purchasing preferences (e.g. alcohol, sweets) Monitoring of people using the services in public space, with the use of data going beyond the necessary data to provide these services Employee working time monitoring systems and the flow of information in use by them tools (e-mail, Internet) Criterion: systematic monitoring (see WP 249 +) + sensitive data subjects Collection and use of data by applications installed on mobile devices, including integrated devices with a uniform, helmet or otherwise connected with the person retrieving the data Follow-up vehicle monitoring systems connections with the environment, including others vehicles Systems using RFID where tags / labels are or can be assigned natural persons Patient / customer health data
4. Processing specific categories personal data and concerning judgments convictions and deeds forbidden (data sensitive according to WP 29)	Political parties, election committees, committees referenda and legislative initiatives social organizations, election campaigns Telecommunications operators; suppliers utilities (electricity, gas, water) in the range smart metering - Recommendation 2012/148 / EU of the European Commission of March 2012 on preparations for the dissemination of intelligent systems measuring	Processing by state authorities or private entities of personal data regarding party affiliation and / or electoral preferences Regular processing of measurement data enabling observation of lifestyle, movement in the field, intensity use of utilities, energy, etc. (e.g. data geolocation, data from intelligent metering meters on the energy consumed, communication billing data electronic etc.)

1 Opinion 2/2017 on data processing in the workplace (08/06/2017).

Polish Monitor	- 4 -	Item 666
	Electronic mail services; systems monitoring of sports achievements cooperating with fitness bands using cloud computing; apps supplied by reader manufacturers electronic for the purchase of books, newspapers electronic devices with note-taking functions, etc.	Internet services and other IT systems offered to natural persons for processing information covering activities of nature purely personal or household (such as services cloud computing for management personal documents, mail service electronic, calendars, e-readers equipped with note-taking functions and various applications life-logging type they may contain information of a very personal nature), whose disclosure or processing for purposes other than domestic activities can be considered very intrusive in privacy Entrances to specific areas, rooms or gaining access to a specific account in the IT system for the purpose of e.g. execution transaction orders in the ICT system or cash withdrawals using an ATM, etc.
5. Data processing biometric only to identify a person physical or for control purposes access	Face recognition systems, verification workplace identity for inspection access, identity verification in devices / applications (incl voice, fingerprint and face recognition); monitoring systems for specific entrances premises; accounting and - registration of banking and commercial operations, insurance; entry control systems to fitness clubs, hotels, etc.	Medical diagnosis DNA tests Medical studies
6. Data processing genetic	Laboratories / Companies / Hospitals offering genetic diagnostics	Central supporting data sets managing a specific group of people for goals related to the implementation of public tasks, from which data are made available to a different extent depending on their role and related tasks with the performance of these obligations Collecting a wide range of data about the websites viewed, purchases / purchase history, TV programs watched or radio etc. Combining data from different state registers and / or public
7. Data processed on large-scale where the concept large-scale concern: • the number of data subjects are processed, • the scope of processing, • storage period data and • geographic scope processing	Central system: - educational information; - information in higher education; - servicing of motor insurance; - professional qualifications, etc. Social networks, browsers Internet, cable TV service providers, subscription services with movies and programs available on devices with internet access Marketing firms extracting data from various sources where personal data occurs about clients for the purposes of carrying out targeted at specific customer groups marketing campaigns Marketing companies for improvement i expanding the profiles of potential customers, and improving advertising services targeted at specific social groups; companies operating loyalty programs (purchasing communities) Social networks, commercial networks, companies marketing, banks and financial institutions	Creation of profiles of people from datasets from different sources (pooling) Collecting data about the pages viewed, performed banking operations, purchases in online stores and their subsequent analysis to create a person's profile Processing of data in which it is carried out classification or assessment of data subjects, in terms of e.g. age, gender, and then these classifications are used for the presentation offers or other activities that may have an impact on the rights or freedoms of data subjects processed Systems for reporting irregularities (related to e.g. corruption, mobbing) - in particular when data is processed in it employees
8. Conducting comparisons, evaluation or inference based on analysis of obtained data from various sources	Job sites that they do matching offers to specific preferences Systems for reporting irregularities (whistleblowing)	
9. Data processing about people whom evaluation and the services provided to them are addicted to entities or persons that have powers supervisory and / or evaluation		

Polish Monitor	- 5 -	Item 666
10. Innovative use or application of solutions technological or organizational	Media vendors and distributors (electricity, gas, water, telecommunications services) implementing smart meters Data processing websites from devices such as the Internet of Things, e.g. cameras with photo functions location-based (GPS) Application of communication between devices (Internet of Things - e.g. beacons, drones) in public spaces and places public utility Applications with communication functions and replacement software information with the immediate surroundings and remotely through the telecommunications network Interactive toys Specialist advice and consultation medical, clinical trials of a range international Entities granting loans and credits, and offering installment sale Online stores and providers of other services games, music, lotteries, etc.	Remote metering systems that, taking take into account the scope and frequency of data collection, enable profiling of people or groups of people Data analysis and processing systems in metadata, e.g. photos provided data Systems used for analysis and reporting data to service providers using the application mobile from mobile devices such as: smartwatches, smart bands, beacons, etc. analyzing and transferring data to suppliers at using mobile applications The use of devices equipped with various types of interfaces (speaker, microphone, camera) and software and communication system enabling transmission of data via networks telecommunications Services and toys dedicated to children Telemedicine consultations with centers outside the EU, transfer of personal medical data with an international scope Making a credit decision in relation to potential customers based on the information contained in databases containing information about debtors or similar databases Making the possibility of using the service dependent on information on income, amount of expenses monthly and other collected values as a result of profiling Person that uses location tracking a natural person (including communication networks and communication services, pointing to the geographic location the position of telecommunications equipment terminals user of a publicly available service telecommunications)
11. When the processing of the same in itself makes it impossible people whose data concern, exercise rights or use from a service or contract		
12. Data processing localization	Devices, applications and platforms that use Internet of Things, Data processing in the context of work at home and remotely, Processing of location data employees	