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LAW No. 506 of 23/05/2018 (Applicable)

Act amending the law on dual supervision and the law on law enforcement authorities' processing of personal data (Continuation of rules on processing of personal data in connection with dual surveillance, possibility of sharing between traders of image and sound recordings from double surveillance of suspected perpetrators, etc.)

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Act amending the Act on Television Surveillance and the Act on Law Enforcement authorities' processing of personal data

(Continuation of rules on the processing of personal data in connection with television surveillance, possibility of sharing between trader of image and sound recordings from television surveillance of suspected perpetrators, etc.)

WE MARGRETHE THE SECOND, by the Grace of God, Queen of Denmark, truly do:
The Folketing has passed and We by Our consent confirmed the following law:

§ 1

In the Act on TV surveillance, cf. Statutory Order no. 1190 of 11 October 2007, as amended by Act No. 713 of 25 June 2010, § 1 of Act no. 422 of 10 May 2011, § 1 of Act no. 736 of 25 June 2014 and section 5 of Act no. 1728 of 27 December 2016, the following changes are made:

1. After section 3 a, the following is inserted:

»§ 3 b. The provisions of Article 14 of the European Parliament Regulation of the European Parliament and of the Council on the protection of individuals in connection with the processing of personal data and on leave exchange of such information (Data Protection Regulation and section 22 of the Data Protection Act applies regardless of a any signage pursuant to §§ 3 and 3 a.'

2. After section 4 b, the following is inserted:

- »§ 4 c. Picture and sound recordings with personal information, recorded in connection with television surveillance in criminal for preventive purposes, may only be disclosed if
- 1) the data subject has given his express consent,
 - 2) the disclosure follows from law or
 - 3) the transfer is made to the police in crime investigation purpose.
- PCS. 2. Apart from para. 1, a trader may forward ve image and sound recordings recorded in connection with television surveillance, internally in the organization or to other traders for crime prevention purposes, if
- 1) the recordings show persons who are presumed to have gone or tried to commit one or more enrichment crimes etc. of a non-trivial nature against the trader,
 - 2) the alleged perpetrator or perpetrators at the latest day is reported to the police by the trader for to have committed the crime in question,

- (3) there are concrete reasons to believe that the perpetrators will commit similar crimes as mentioned in point 1 against the group of traders to which the recordings are passed, and
 - 4) the transfer takes place in a closed system within the the trader's own organization or a trade association organization, business association, etc., where the whether the recordings can be passed on in the carried out by one or more qualified professionals and where it is ensured that the recordings can only be accessed by a limited number of authorized persons at the relevant accustomed trader and the system operator.
- PCS. 3. Prior to initiating disclosure to others operators in a system as mentioned in para. 2, no. 4, shall the system administrator obtain permission from the Danish Data Protection Agency. The Danish Data Protection Agency may set conditions for the permit.
- PCS. 4. Recordings as referred to in paragraph. 1 must be deleted, at the latest 30 days after the recordings have been made, cf. 5.
- PCS. 5. Recordings can be stored for a longer period than mentioned in para. 4, if necessary in the light of the data the handling of a specific dispute or treatment by those responsible of the information for crime prevention purposes after PCS. 2. Is storage necessary for the sake of a concrete dispute, the controller shall, within the time limit specified in know in paragraph. 4, inform the person to whom the dispute relates and maturing hand out a copy of the recording to that person.
- § 4 d. A municipality may only process image recordings with personal data recorded in connection with monitoring covered by § 2 a, if
- The data subject has given his express consent to
- the treatment or
 - the treatment is done in order to promote security for persons moving in the TV-monitored area.
- PCS. 2. Recordings as mentioned in para. 1 must be passed on in the cases mentioned in § 4 c, para. 1.

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PCS. 3. Recordings as referred to in paragraph. 1 must be deleted, at the latest 30 days after the recordings are made.

§ 4 e. The Danish Data Protection Agency supervises any processing of personal data covered by §§ 4 c and 4 d.'

(3) In section 5 , the following is inserted after subsection (1): 1 as a new piece:

"PCS. 2. Unless a higher penalty is due under the legislation, shall be punishable by a fine or imprisonment for up to 6 months. down that which in connection with a treatment which is carried out for private, violates § 4 c. "

PCS. 2-5 then becomes para. 3-6.

§ 2

In Act No. 410 of 27 April 2017 on law enforcement authorities' processing of personal data is carried out following change:

1. In § 5I added before the paragraph. 1 as a new piece:

The Minister concerned may, in special cases, determine detailed rules for the processing of personal data

§ 3

The law enters into force on 25 May 2018.

§ 4

PCS. 1. The Act does not apply to the Faroe Islands, but section 2 of the Act may by royal decree be brought into force for national their processing of information with the changes they Faroese conditions dictate.

PCS. 2. The law does not apply to Greenland, but can know Royal Decree shall enter into force in whole or in part for the country with the changes that the Greenlandic conditions require.

Given at Amalienborg, 23 May 2018

Under Our Royal Hand and Seal

MARGRETHE R.

/ Søren Pape Poulsen