

Privacy legislation

Here are some concerns that will need to be addressed in order to assert compliance with relevant privacy legislation, i.e. the General Data Protection Regulation (GDPR) of the European Union. Potential specificities of national (Swedish) legislation, such as the age of valid consent to processing of information provided by minors, have not been considered here.

General provisions

The project involves automatic processing of personal data by a controller established in an EU member state, which is within the scope of the GDPR according to Art. 2(1) and Art. 3(1).

Principles

In the general case, the processing of personal data takes place on the grounds that the data subject has given consent to it in accordance with point (a) of Art. 6(1).

Some processing may involve prolonged storage of personal data, thereby giving the data subject time to withdraw consent already given according to Art. 7(3).

Other processing is instantaneous in nature, meaning that the data subject is provided with an immediate response, after which the data is irrevocably anonymized and retained by the controller for the benefit of the public. As the controller no longer has any means of identifying the data subject, the processing of personal data has effectively ceased even before the data subject decides to withdraw consent to this processing.

As the controller may not know the identity of the data subject, verifying that the data subject has reached the required age to give independent consent to the processing may be difficult, or even impossible. The practical implications may be limited, but the issue should be considered further.

As some of the data processed concerns the health of the data subject, this processing requires the data subject to give consent according to point (a) of Art. 9(2).

In most cases, knowing the real world identity (such as name or residential address) of the data subject isn't necessary for the processing, wherefore this information isn't even collected. The only information retained that could be used to pinpoint the location of the data subject is a postal zip code, which typically is the same for hundreds or thousands of individuals, thereby

effectively anonymizing the information. In these cases, in accordance with Art. 11(2) the controller will be exempt from the obligations implied by Art. 15-20.

Rights of the data subject

As personal information is obtained electronically from the data subject, information about the processing will be made available in that context according to Art. 13.

The rights stipulated by Art. 15-20 will have to be addressed only to the extent the controller in each case knows the identity of the data subject, due to the provisions in Art. 11(2).

Controller and processor

As stipulated in Art. 25, data minimisation and pseudonymisation are important measures taken to meet the requirements of the GDPR.

A written specification of the processing activities should be produced by the controller according to Art. 30.

Security measures according to Art. 32 are being chosen to reduce the risk of violating the rights of the data subject.

This review is not meant to be conclusive, but should hopefully point out the most important privacy-related legal issues of the project, to aid a subsequent professional analysis before actual deployment in Sweden or any other jurisdiction subject to the GDPR.