# List of processing operations according to Art. 35 (4) GDPR, for which the Data Protection Authority (DSS) as the supervisory authority for GDPR in Liechtenstein requires a data protection impact assessment (DPIA).

This list complements the general guidelines as set out in Article 35 (1) and (3) GDPR and is not exhaustive. Generally, any form of processing that bears a high risk for the rights and freedoms of individuals because of its nature, scope, circumstances and purpose of processing, particularly when using new technologies, requires a prior data protection impact assessment. The not exhaustive list of examples provided is for illustrative purposes.

Some of the processing operations as set out in the list require a data protection impact assessment without additional conditions. With regard to others, a DPIA is only mandatory when in addition one or more of the criteria are fulfilled which are set out and explained in the Guidelines on Data Protection Impact Assessment by the Working Party 29 as amended on October 4, 2017, and confirmed by the European Data Protection Board (EDPB):[1]

a. Evaluation or scoring;
b. Automated-decision making with legal or similar significant effect;
c. Systematic monitoring;
d. Sensitive data or data of a highly personal nature;
e. Data processed on a large scale;
f. Matching or combining datasets;
g. Data concerning vulnerable data subjects;
h. Innovative use or applying new technological or organisational solutions;
i. Concerned parties are prevented from exercising a right, using a service or executing a contract.

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[1] Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is „likely to result in a higher risk" for the purposes of Regulation 2016/679 as last revised and adopted on October 4, 2017
https://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=611236

| Nr. | Type and description of processing operation requiring a DPIA | Non-exhaustive examples |
|-----|---------------------------------------------------------------|-------------------------|
| 1 | Large scale processing of data protected by social or professional secrecy (including but not limited to special categories of data pursuant to Art. 9 and personal data referred to in Art. 10 GDPR) | ▪ Health and social care organisations keeping comprehensive health and social care records;<br>▪ Large law firms focusing on family law or contract law |
| 2 | Systematic processing using innovative technologies if at least one additional criterion as set out in the EDPB Guidelines is met. | ▪ Building and home automation;<br>▪ Self-driving car technology;<br>▪ Intelligent transport systems;<br>▪ Medical technology (telemetry systems that transmit medical data through text, sound, images or other forms necessary to diagnose, treat and care patients);<br>▪ Deep learning platforms;<br>▪ Image recognition |
| 3 | Systematic tracking (including but not limited to the online environment) if at least one additional criterion as set out in the EDPB Guidelines is met. | ▪ Companies process GPS and WiFi data from passer-byes and/or customers to analyse movement patterns as well as shopping behaviour;<br>▪ Traffic flow analysis based on mobile phone tracking;<br>▪ Hardware/software offering fitness/lifestyle/ health monitoring |
| 4 | Combining or matching personal data obtained from multiple sources, and its processing if at least one additional criterion as set out in the EDPB Guidelines is met. | ▪ Fraud or money-laundering detection systems;<br>▪ Direct marketing and personalised advertising;<br>▪ Customer loyalty program;<br>▪ Customer relationship management;<br>▪ Companies carry out background checks for recruitment purposes |
| 5 | Denial of service based (not solely) on automated decision-making (including profiling) if at least one additional criterion as set out in the EDPB Guidelines is met. | ▪ Refusal of a credit application;<br>▪ Negative decisions on recruitment;<br>▪ A company processes comprehensive data on their clients previous (mis)conduct for the purpose of determining whether the individual should be accepted again as client or not. |

| Nr. | Type and description of processing operation requiring a DPIA | Non-exhaustive examples |
|-----|---------------------------------------------------------------|-------------------------|
| 6 | Systematic workplace monitoring | <ul><li>Systematic monitoring of corporate e-mail and internet use;</li><li>Employers monitor or record telephone conversations made on business phones, including personal calls;</li><li>Location tracking by access badge;</li><li>Employers use Global Positioning Systems in employer-owned vehicles to track the location of their employees;</li><li>Employers evaluate movement profiles of employees (e.g. by means of RFID, mobile phone tracking) for the safety of personnel (security personnel, fire fighters), for the protection of valuable property of the employer or a third party (commercial vehicle with cargo) or coordination of work assignments in sales.</li></ul> |
| 7 | Large scale application of Art. 14 (5) (b) GDPR | <ul><li>Brokering of data;</li><li>processing of data in archives;</li><li>direct marketing campaigns via e-mail or telemarketing.</li></ul> |
| 8 | Processing of biometric data according to Article 4 (14) GDPR for the purpose of uniquely identification of individuals if at least one additional criterion as set out in the EDPB Guidelines is met. | <ul><li>Facial-recognition technology to monitor individuals in retail settings;</li><li>Facial recognition to unlock smartphones;</li><li>Facial recognition in social media;</li><li>Fingerprint scanning to unlock smartphones etc.</li><li>A company uses comprehensive fingerprint scanning devices or other scanners of biometric data for access control of certain areas;</li><li>A school cafeteria uses fingerprint scanners as a payment method.</li></ul> |
| 9 | Processing of genetic data within the meaning of Article 4 (13) (b) GDPR if at least one additional criterion as set out in the EDPB Guidelines is met. | <ul><li>A clinic uses DNA testing for the early detection of heritable diseases on newborns;</li><li>A company offers a service over which customers can send in their genetic data to compare with data of other customers to find out more about their heritage. For this, the company utilizes a database with several genetic datasets of individuals.</li></ul> |

| Nr. | Type and description of processing operation requiring a DPIA | Non-exhaustive examples |
|---|---|---|
| 10 | Processing of personal data - even if it is not considered "extensive" within the meaning of Art. 35 para. 3 lit. b DSGVO - if the data are evaluated, processed and used by the authorities concerned and forwarded to law enforcement authorities if at least one additional criterion as set out in the EDPB Guidelines is met. | ▪ Authorities process, collect and use personal data from whistleblowing hotlines or e-mail addresses. |
| 11 | Processing of personal data of children or other vulnerable individuals - even if they are not considered "extensive" within the meaning of Art. 35 (3) lit. b GDPR - for marketing, profiling for auto decision making or the offer of online services. | ▪ Providing interactive services such as social networks, messaging, interactive games, cloud services, etc. |