

Notice: This document is an unofficial translation of the Swedish Authority for Privacy Protection's (IMY) decision 2022-05-25, no. DI-2021-313. Only the Swedish version of the decision is deemed authentic.

Registration number:

DI-2022-313, IMI. Case no.
366312, FD no.402830

Date of draft decision:

2022-05-25

Decision under the General Data Protection Regulation– Tappa Service AB

Decision of the Swedish Authority for Privacy Protection (IMY)

The case is dismissed from further procedure.

Report on the supervisory report

The Swedish Authority for Privacy Protection (IMY) has initiated supervision regarding Tappa Service AB (the company) due to a complaint. The complaint has been submitted to IMY, as responsible supervisory authority for the company's operations pursuant to Article 56 of the General Data Protection Regulation (GDPR)¹ from the supervisory authority in the Ireland where the complainant has lodged their complaint in accordance with the Regulation's provisions on cooperation in cross-border processing.

In the complaint, the company claims that Tappa Service AB's website organises virtual step and activity competitions for companies. On this website, the complainant registered his name and place of work, as well as the number of steps taken by the complainant. The complainant states that the website does not advocate that the complainant should use an alias or informed about the processing of personal data on the website, which is why the complainant's name, workplace, number of colleagues and number of steps taken were published on www.tappa.de.

The company has mainly stated the following. Tappa Service AB as stated that they are not the data controller for the personal data processing described in the complaint. It is Personalentwicklungsgesellschaft GmbH is the data controller and Tappa Service AB is the data processor for this processing.

The investigation in the case has been carried out through correspondence. In the light of a complaint relating to cross-border processing, IMY has used the mechanisms for cooperation and consistency contained in Chapter VII GDPR. The supervisory

Postaddress:

Box 8114
104 20 Stockholm

Webbplats:

www.imy.se

E-post:

imy@imy.se

Telefon:

08-657 61 00

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 movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

authorities concerned have been the data protection authorities in in Germany, Norway and Denmark.

Justification of the decision

Applicable provisions, etc.

Pursuant to Article 4.7 of the GDPR, 'controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law.

Assessment of the Swedish Authority for Privacy Protection (IMY)

Tappa Service AB as stated that they are not the data controller for the personal data processing described in the complaint. There has not been any reason to call into question the company's information.

Against this background, the case is dismissed from further procedure.

This decision has been approved by the specially appointed decision-maker [REDACTED]
[REDACTED] after presentation by legal advisor [REDACTED]

How to appeal

If you want to appeal the decision, you should write to the Authority for Privacy Protection. Indicate in the letter which decision you appeal and the change you request. The appeal must have been received by the Authority for Privacy Protection no later than three weeks from the day you received the decision. If the appeal has been received at the right time, the Authority for Privacy Protection will forward it to the Administrative Court in Stockholm for review.

You can e-mail the appeal to the Authority for Privacy Protection if it does not contain any privacy-sensitive personal data or information that may be covered by confidentiality. The authority's contact information is shown in the first page of the decision.