

30 May 2023

J.No. 2021-7329-0015

Doc.no. 585600

Caseworker



Final decision in A60DD388828

1. The Danish Data Protection Agency, *Datatilsynet* ("Danish DPA") refers to the complaint against Resurs Bank AB ("Resurs Bank") you submitted on May 26 2020 concerning the fact that, in May 2020, an employee at Resurs Bank disclosed your sensitive personal data about a plastic surgery to third parties.

After having reviewed your complaint, the Danish DPA concluded that your complaint concerned a cross-border processing of personal data (within the meaning of Article 4(23) of the General Data Protection Regulation (GDPR))¹, which meant that the case had to be processed in cooperation with the supervisory authorities of other EU/EEA Member States in accordance with Article 60 GDPR.

In cases that concern a cross-border processing of personal data, the supervisory authority of the main establishment or of the single establishment of the relevant company – which in this case is located in Sweden – shall be competent to act as lead supervisory authority. Thus, in the present case, the Swedish Authority for Privacy Protection, ("*IMY*"), acted as lead supervisory authority.

2. Initially, before it was clarified that IMY was the lead supervisory authority in the case, the Danish DPA – on 23 June 2020 – asked Resurs Bank about the circumstances regarding your complaint. The Danish DPA received an answer from Resurs Bank on 25 June 2020.

Following the finding that IMY was the lead supervisory authority – on 16 June 2021 – the Danish DPA shared your complaint and Resurs Bank's answer of 25 June 2020 with IMY for the further handling of the case.

3. After examining the case, IMY did not find any reason to take any action on the complaint.

This was due to the fact that IMY shall handle complaints and, to the extent appropriate, investigate the subject matter of the complaint.

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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)

A further investigation of the case — regardless of whether IMY would find that there had been a breach of data protection law — will not significantly improve your legal position. IMY is of the opinion that the use of resources associated with such a further investigation is not commensurate with what could be achieved by the investigation.

In this assessment IMY has emphasized that, Resurs Bank has notified IMY of the personal data breach as a consequence of your complaint, that the notification contains a description of the measures taken by Resurs Bank, inter alia Resurs Bank have taken labour law measures, the relevant department was gathered immediately for a renewed oral training on banking secrecy and an information letter was sent to the entire office in Denmark explaining how important and central banking secrecy is in the bank's operations and the consequences of breaching it as an employee.

4. On this basis the Danish DPA must close the case and will take no further actions. However, it takes note of the information you provided in your complaint, which may be used for future investigative purposes.

The Danish DPA refers to Article 57(1)(f) of the General Data Protection Regulation, which states that the supervisory authority must deal with complaints lodged by a data subject and, where appropriate, examine the subject matter of the complaint.

5. The Danish DPA notes that the supervisory authority's decisions cannot be challenged before another administrative authority, cf. Section 30 of the Data Protection Act. However, the Danish DPA's decisions may be brought before the courts, cf. section 63 of the Constitution.