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30 May 2024

J.No. 2023-7329-0022

Doc.no. 601144

Caseworker

[REDACTED]
[REDACTED]

Your complaint against Nordea Danmark, Filial af Nordea Bank Abp, Finland

1. Introduction

The Danish Data Protection Agency, *Datatilsynet*, ("Danish DPA") refers to the complaint against Nordea Danmark, Filial af Nordea Bank Abp, Finland (hereafter Nordea) you submitted on 9 February 2021. In your complaint you have stated that Nordea has disclosed information about you to unauthorized persons in connection with sending an annual statement.

**The Danish Data
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The Danish DPA can inform you that the Danish DPA has received two other complaints about the same incident.

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. The Danish DPA informed you of this on 5 March 2021.

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 Finland – shall be competent to act as lead supervisory authority. Thus, in the present case, the Office of the Data Protection Ombudsman, ("Finnish DPA"), acted as lead supervisory authority.

Following this, on 4 March 2021, the Danish DPA sent your complaint to the other supervisory authorities, including the supervisory authority in Finland, which has carried out the further processing of the case.

On 25 April 2024 the Finnish DPA sent its draft decision to the concerned supervisory authorities, including the Danish DPA, in which this decision originates. None of the supervisory authorities had any remarks to the draft decision.

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)

2. The Finnish supervisory authority's decision and reasons hereof

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The Finnish DPA has informed the Danish DPA that Nordea, on 18 January 2021, notified the supervisory authority of the personal data breach.

The Finnish DPA has further stated that the supervisory authority has received similar notifications from Nordea in December 2019 and January 2022, and that the Finnish DPA has initiated an own-initiative investigation concerning the data breach notification received from Nordea including an investigation concerning Nordea's data processing when sending letters by post. It appears that the case is still ongoing.

Since the Finnish DPA is dealing with the case on their own motion which concerns the same incident that you have complained about, the supervisory authority has decided to dismiss your complaint. The Finnish DPA has found that there is no reason to continue a separate investigation of the complaint, and that this would lead to a similar outcome as the ongoing investigation.

The Finnish DPA has further stated that it appears from the notification, inter alia, that Nordea has sent annual statements regarding account balances to customers using year old information, including previous addresses. This meant that there was a risk that third parties would gain unauthorized access to customers' information if they had changed their address the previous year.

It further appears that Nordea's investigations of the breach indicated that the breach happened due to an IT error combined with a process/human error. It appears that all data used for the annual statements were collected in an internal system and checked to be correct before the information is transferred through another application for printing and forwarding purposes. However, in the specific case, it turned out that a minor IT change affected this process, so that year old information was retrieved and transferred instead of the most recent information in the system.

Nordea has stated that the company generally carries out an additional manual review after the information in question is transferred, of which a certain amount of the annual statements is printed and reviewed. However, due to the Covid-19 situation, which meant that employees worked from home, employees had limited or no access to printers. As a result, this additional manual review was not carried out. Instead, the employees relied on the data being checked to be correct in the system before being transferred.

In addition, the Finnish DPA has stated that Nordea, during their investigation of the incident, sent corrected/correct annual statements to customers as well as notifications to all concerned citizens (data subjects) on 29 January 2021 in accordance with Article 34 of the GDPR. Furthermore, an IT change request to fix the error in the system was made and implemented on 1 February 2021.

Finally, the Finnish DPA has stated that Nordea has fulfilled the obligation to notify the relevant supervisory authority by notifying the Finnish DPA on 18 January 2021, cf. Article 33(1) of the GDPR.

3. Closing remarks

On the basis of the above, the Danish DPA considers the case closed and does not take any further action in connection with your complaint.

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.

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Kind regards

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