

[REDACTED]

16 February 2026

J.No. 2024-7321-0631

Doc.no. 829599

Caseworker

[REDACTED]

Sent by Digital Post

Final Decision in your case regarding Advokatguiden.dk

On 26 December 2023 the Danish Data Protection Agency (hereinafter the Danish DPA) received your complaint about Advokatguiden.dk (Advokatguiden).

The Danish DPA found that the case involved cross-border processing of personal data, which means that your case has been handled in cooperation with other EU supervisory authorities.

As part of the cross-border cooperation mechanism, the Danish DPA submitted the case to the other EU supervisory authorities on 17 January 2024. The Norwegian supervisory authority (hereinafter the Norwegian DPA), was appointed as lead supervisory authority in accordance with article 56 of the General Data Protection Regulation¹ (hereinafter GDPR), because the main establishment of Advokatguiden is in Norway.

The Danish DPA hereby adopts the Norwegian supervisory authority's decision, cf. GDPR article 60(8).

1. Decision

The Danish DPA adopts the following decision on the complaint submitted against Advokatguiden AS on 26 October 2023 (Case 2023-31-0301):

- We have been unable to determine a breach of the GDPR. The case shall therefore be dismissed pursuant to Article 60(8) GDPR.

2. The facts of the case

The Norwegian DPA received several complaints against Advokatguiden, one of which was a complaint sent to the Danish DPA and subsequently forwarded to the Norwegian DPA regarding www.advokatguiden.dk, dated 17 January 2024.

The complaint sent to the Danish DPA

The complaint comes from a Danish lawyer who requested erasure of his personal data that Advokatguiden processes on advokatguiden.dk. Advokatguiden replied to the complainant's

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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)

erasure request on 24 October 2023, where it stated that the exception in Article 17(3)(a) is applicable. This was justified by Advokatguiden as follows:

Page 2 of 6

Advokatguiden aims to create a greater degree of transparency and accountability in the legal profession. Lawyers have an important social task in Denmark. It is in the public's interest that there is good, up-to-date and neutral information about the work of the various lawyers. Normally Advokatguiden does not unpublish any data, including individual profiles on lawyers nor reviews, unless there are weighty reasons for this.

Furthermore, Advokatguiden wrote that if the complainant wanted to uphold his erasure request, the complainant had to list weighty reasons for this, so that the exception in Article 17(3)(a) would not be applicable. If so, the secretariate in Advokatguiden would process the request within 14 working days and the decision would be published.

The complainant replied to the e-mail the same day, where he asked for confirmation of erasure of all his personal data before 25 October 2023 at noon.

On 26 October 2023 the complainant submitted his complaint to the Danish DPA, where the complainant argued that the refusal of erasure is unlawful because the legal basis and justification are not tenable. The complainant also highlighted that it is censurable that someone who is involuntarily registered is threatened with "publicity" if they maintain their request for erasure.

Views of the parties

The Norwegian DPA initiated an inspection against the controller, Advokatguiden, pursuant to complaints received, and sent an order to provide information to Advokatguiden on November 5, 2024. In the letter, several questions were raised, among which the following are relevant in this matter:

- We ask you to explain in more detail why you believe that the processing of the complainant's personal data is necessary to exercise the right to freedom of expression and information, cf. Article 17(3)(a). Include in the explanation which criteria were taken into account in the balance between the complainant's right to privacy on the one hand, and the right to freedom of expression and information on the other.
- We ask you to explain any other compelling legitimate reasons you may have for the processing and how these take precedence of the data subject's interests, rights and freedoms, cf. Article 21(1).
- Where are the decisions taken by the secretariate of Advokatguiden published and what legal basis are you relying of for this publication?

With regard to the reasoning for processing personal data under Article 17(3)(a) GDPR, Advokatguiden states that it aims to create a greater degree of transparency and accountability in the legal profession. It holds that that the processing of personal data is necessary to exercise the right to freedom of speech and freedom of information, as this right is protected under GDPR Article 17(3)(a) and ECHR Article 10. It states that its assessment is based on the following:

- Legitimate interest: The information on Advokatguiden's platform is of significant societal interest. It gives the general public access to neutral and up-to-date information about lawyers, such as plays a key role in the legal system.
- Balancing of interests: Advokatguiden has assessed the data subject's right to privacy against society's interest in access to information. In accordance with the Norwegian Supreme Court's decision in the Legelisten.no case (HR-2021-2403-A), it is Advokatguiden's assessment that the interests behind Advokatguiden's websites outweighs the individual's data protection interests, especially because information concerns professional conduct and is based on public available sources. Lawyers have a special position in society and it is therefore in the public's best interest that lawyers' professional practice is subject to transparency and accountability.

According to Advokatguiden, it bases its processing on the following grounds:

- Publicly available information: All data it publishes is gathered from open sources such as LinkedIn, websites of law firms, and public registers.
- Lawfulness: The data stems from lawful information acquisition; such as agreed disclosure of information from the Supervisory Council for Legal Practice.
- Professional roles: The information concerns lawyers' professional practice, which is a public function, not private affairs.
- Social benefit: The platform gives users tools to choose legal representation, something which strengthens legal certainty and contributes to informed choices.

Furthermore, Advokatguiden puts forth that it has implemented measures to minimize the data protection impact, including the possibility for lawyers to update their profile and apply for erasure for compelling reasons. In addition, all user-submitted reviews of lawyers are subject to a prior screening and moderation before being published on the website.

Concerning the fourth question, Advokatguiden confirms that decisions made by Advokatguiden's secretariate are not published on a general platform. Information about such decisions is only shared with the affected parties, and Advokatguiden maintains that the processing is in accordance with GDPR Article 5(1), ensuring data minimization and relevance.

On 9 January 2025 the Norwegian DPA shared the order to provide information and the controller's response with the Danish DPA, asking us to forward the documents to the complainant and give them a chance to provide their opinion on the information.

The complainant submitted on 20 February 2025 that:

The Norwegian judgment in the case of legelisten.no does not appear to be relevant. That case concerned the publication of personal data for an altruistic, socially informative purpose. In comparison, the commercial company Advokatguiden, judged solely on the basis of my own example, conducts business by publishing manifestly incorrect information, which the individual lawyer can then effectively only get corrected by purchasing a subscription.

In essence, misinformation is thus used to try to gain unwarranted financial gain. This is not supported by the considerations underlying the personal data regulation.

All the statements made by Advokatguiden regarding their various procedures and trade-offs are purely oral and are suitable for obscuring this basic purpose.

3. Findings

The right to erasure as enshrined in Article 17 GDPR states that the controller shall have the obligation to erase personal data without undue delay where one of the grounds listed in Article 17(1)(a)-(f) applies.

The question is whether the right to erasure apply in this case. The Norwegian DPA has only made assessments connected to the complainant's submissions, i.e., with regard to the right to erasure in Article 17(1)(c) and 17(3)(a). Assessments related to the lawfulness of the processing as such has therefore been out of scope of this inquiry.

The relevant ground in this case is Article 17(1)(c), which states that:

“the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2);”

As stated in the EU General Data Protection Regulation (GDPR): A Commentary;

Article 17(1)(c) is based on the invocation of the right to object in Article 21 when the processing is based on Article 6(1)(e) or (f) GDPR. Under Article 21(1) the burden of proof following an objection has been revised: the data controller, rather than the data subject, has to demonstrate compelling legitimate grounds of the processing of personal data. If the controller fails to do so, the data have to be erased.²

According to Advokatguiden's Privacy Policy, when Advokatguiden publishes information about a lawyer on its website, it does this in order to offer an information service useful to the society, based on Article 6(1)(f) GDPR.³

The EDPB Guidelines on processing of personal data based on Article 6(1)(f) GDPR puts forth that:

“The right to erasure is often closely linked, from a conceptual and practical perspective, to the right to object, in particular when the processing is based on Article 6(1)(f) GDPR.”⁴ “(...) The indications provided by the data subject in the request, as well as the context of the request, should be taken into account to decide what action should be taken by the controller to appropriately address the request.”⁵

² Kuner et al., The EU General Data Protection Regulation (GDPR): A Commentary (OUP 2020), p. 481.

³ <https://www.advokatguiden.no/terms/privacy-policy>

⁴ The EDPB Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR 6(1)(f), para. 77.

⁵ Ibid.

“(…) Furthermore, it should be stressed that, in general, the criteria to determine whether an objection or an erasure request should be granted are essentially the same under Article 21 and Article 17 (i.e., the request should be granted unless one can demonstrate “overriding legitimate grounds”). This implies that, as a rule, if an objection under Article 21(1) GDPR is granted, a related erasure request under Article 17(1)(c) GDPR should also be granted.”⁶

The Norwegian DPA regards the erasure request submitted by the complainant as an objection according to Article 21(1), i.e. the complainant has objected to the publication and requested erasure in accordance with Article 21(1). Thus, if the objection under Article 21(1) GDPR is granted, the related erasure request under Article 17(1)(c) should also be granted.

The EDPB Guidelines on processing of personal data based on Article 6(1)(f) GDPR further puts forth that:

“In essence, the grounds invoked should be essential to the controller (or to the third party in whose legitimate interest the data are being processed) to be considered compelling. This might be the case, for example, if a controller is compelled to process the personal data in order to protect its organisation or systems from serious immediate harm or from a severe penalty which would seriously affect its business. In contrast, showing that the processing would simply be beneficial or advantageous to the controller would not necessarily meet this threshold. The presence of compelling legitimate grounds needs to be assessed on a case-by-case basis and be linked to a specific objection.”⁷

As the complainant has objected to the processing of the personal data, it follows from Article 17(1)(c) that Advokatguiden is obliged to delete the information (i.e. remove personal data from the website) unless there are overriding legitimate grounds for the processing that take precedence over the interests, rights and freedoms of the complainant.

The question is whether Advokatguiden can demonstrate “overriding legitimate grounds for the processing” for the continued publishing of the complainant’s personal data according to Article 17(1)(c), which read in conjunction with Article 21(1) are “compelling legitimate grounds (...) which override the interests, rights and freedoms of the data subject”.

The Norwegian DPA notes that the information of the complainant is still published on Advokatguiden’s website. The information includes the publication of his name, the law firm he works at, areas of competence (“erhvervsret”, “international ret” and “shipping and offshore”) and the address of the company. There are no ratings of the complainant nor any picture of the complainant published – only an automatically generated “avatar”.

In this case, Advokatguiden’s interest is to maintain a professional directory of lawyers, offering publicly accessible information about their qualifications and areas of practice. This interest supports public access to legal professionals and can contribute to transparency, accountability, and informed decision-making by users seeking legal assistance.

The personal data processed is limited to basic professional information: the complainant’s name, the law firm’s name and address, and the complainant’s areas of professional focus. There is no profile picture, rating, or user-generated content associated with the complainant’s

⁶ The EDPB Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR 6(1)(f), para 78.

⁷ Ibid, para 73.

entry. The information does not contain sensitive data under Article 9 GDPR, nor does it relate to private or personal life. The complainant's inclusion in the directory appears to be based on publicly available or widely known professional information.

The public interest in accessing the information, particularly in the legal services sector, remains significant. Legal professionals are engaged in a regulated profession, have an important part in society for their roles in upholding the rule of law. The data relates to lawyers' professional competence and contact details. The public has a significant interest in having access to such information.

In assessing whether there are overriding compelling legitimate grounds for the processing on part of the controller, it is also necessary to assess the nature and weight of the complainant's interests, rights and freedoms, and to take into account any relevant individual circumstances. The presence of particular individual circumstances may raise the threshold of what is considered overriding compelling legitimate grounds. The complainant has not provided information about any particular personal circumstances that would support the erasure request or demonstrated that the publication causes specific harm, distress, or reputational damage.

Taking all of the above into account, including the importance of the underlying interest pursued by the controller, the limited nature of the data, the absence of sensitive or harmful content, and the lack of any particular situation highlighted by the complainant, it is concluded that the controller has demonstrated compelling legitimate grounds for the continued processing of the complainant's personal data. These grounds override the complainant's interest, rights and freedoms.

As the conditions for objection pursuant to Article 21(1) GDPR are not met, the complainant does not have a right to erasure pursuant to Article 17(1)(c). It is therefore not necessary to consider the exception from the right to erasure pursuant to Article 17(3)(a).

Having considered the above, the complaint shall be rejected in accordance with Article 60(8) GDPR.

4. Concluding remarks

On the basis of the above, the Danish DPA considers the case closed and will not take any further action in relation to your complaint.

Decisions of the Danish DPA may not be appealed to any other administrative authority, cf. Section 30 of the Data Protection Act. However, the decisions of the Danish DPA may be challenged before the courts, cf. Section 63 of the Constitution.

Kind regards

