

GDPR IMPLEMENTATION IN NATIONAL LAND SURVEY OF FINLAND

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ENTHUSIASM ABOUT NOVELTIES



GDPR PREPARATORY PROJECT IN NLS 2016/2017

- The Director General of NLS Mr. Arvo Kokkonen set a preparatory project (TIETOSUOJA/es-project) on 22 September 2016, which task was to
 - 1) conduct a survey of the current situation with regard to personal data processing in NLS,
 - 2) ascertain the measures to be conducted in NLS due to the General Data Protection Regulation (2016/679, "GDPR") and
 - 3) to make a proposition for an implementation plan including timetable regarding the measures to be conducted in NLS
- As a result of the said project a proposition for an implementation plan regarding the measures to be conducted in NLS based on the GDPR was finalized on 31 January 2017 (appr. 40 pages excl. appendices).

GDPR PREPARATORY PROJECT IN NLS 2016/2017

- The implementation plan covers a report on the current situation with regard to personal data processing in NLS, the requirements of the GDPR, the measures to be conducted in NLS based on the GDPR and timetables in relation thereto
- The tasks of the preparatory project were based on a governmental report (VAHTI 1/2016, EU Data Protection Renewal) regarding the handling order for developing measures based on the GDPR



PART OF THE DREAM



GDPR IMPLEMENTATION PROJECT IN NLS 2017/2018

- Subsequent to the preparatory project on 25 April 2017 the Director General of NLS set a implementation project (TIETOSUOJA/to-project), which task was to implement the measures in accordance with the implementation plan finalized in the preparatory project in NLS. The NLS Implementation Project ended on 30 September 2018
- The tasks of the Implementation Project were shortly the following tasks:
 - *Personal Data Inventory* – The personal data flows shall be described with regard to all physical data reserves. Based on the flow charts a plan of measures shall be made in order to correct potential defects and the correctional measures shall be initiated with regard to the defects
 - *Agreement Inventory* – The terms and conditions in agreements concerning personal data processing and data protection shall be checked based on the GDPR requirements

GDPR IMPLEMENTATION PROJECT IN NLS 2017/2018

- *Data Protection Responsibilities* – A Data Protection Officer ("DPO") and a Data Protection Group ("DPG") shall be appointed for NLS and their tasks and responsibilities shall be defined
- *Management Reporting – Data Balance Sheet* – The first Data Balance Sheet for 2018 shall be made only for internal purposes. Before the introduction of the Data Balance Sheet, the purpose of the Data Balance Sheet shall be defined with regard to the management of NLS and stakeholders
- *Instruction of Personnel* – The instructions with regard to personal data processing and data protection shall be checked. The obedience of the instructions shall be secured through appropriate education of personnel.

GDPR IMPLEMENTATION PROJECT IN NLS 2017/2018

- *Communication and Documentation* – A crisis plan for potential personal data breach situations shall be made. Two different personal data breach notification models for the supervisory authority and the data subjects shall be made. The documentation of personal data breaches, the consequences thereof and corrective measures in relation thereto shall be instructed. Appropriate information regarding data protection shall be added to the NLS Security Policy.
- *System Projects and Application Development* – A check list regarding data protection requirements shall be made for application development projects in NLS. The requirements shall be checked based on the list with regard to current data reserves and applications in order to get information about changes that have to be made to the different systems. The system specific needs of change shall be documented and a timetable for implementing the changes shall be made.

GDPR IMPLEMENTATION PROJECT IN NLS 2017/2018

- *Observation of Data Protection in Procurements* - The NLS Procurement Guide shall be checked and amended based on the GDPR. A model list of data protection requirements for suppliers shall be appended to the NLS Procurement Guide.
- *Risk Management Development* – A process description regarding management of data protection risks shall be made. The measures to be conducted in the different phases of the risk management process shall be defined. Risk management shall be taken into account also in developing activities and assessment of data protection risks shall be made with regard to all filing systems and information systems that comprise personal data. The up-to-dateness of the NLS Risk Management Policy shall be assessed and if needed the policy shall be revised.

GDPR IMPLEMENTATION PROJECT IN NLS 2017/2018

- *Log Collection with regard to Personal Data* - The current log collection situation with regard to information systems and data reserves shall be described and the situation how log collection shall be developed and complemented shall be assessed
- *Data Protection Descriptions and Validity of Disclosure of Personal Data* – Information required by the GDPR shall be added to the Data Protection Descriptions. In addition, the way in which information pursuant to articles 13 and 14 of the GDPR shall be given to data subjects shall be assessed and decided. The instructions regarding right of access to personal data shall be revised.
- *Legislation Inventory and Needs of Change Analysis with regard to National Personal Data Acts* – Appropriate measures in order to change legislation that needs to be changed shall be conducted



AT THE FOREFRONT WITHIN THE STATE



RECENT STUDIES ON PERSONAL DATA AND GEOGRAPHIC DATA

- Päivi Korpisaari (Professor in Communciation Law at University of Helsinki) has made a report "Personal Data and Geographic Data – How the Data Protection Legislation Affects Publishing and Disclosure of Geographic Data" for the Finnish Ministry of the Environment.
- The report was published on 21 February 2018 (Reports of the Ministry of the Environment 10/2018, 106 pages, available in Finnish at <http://julkaisut.valtioneuvosto.fi/handle/10024/160578>)
- The report was made as part of the Digitalisation of the Built Environment and Construction (KIRA-digi) programme (<http://www.kiradigi.fi/en>), which is one of the Finnish Government key projects concerning the digitalisation of public services. KIRA-digi aims to make the public information on the entire life span of construction and zoning accessible to everyone.

RECENT STUDIES ON PERSONAL DATA AND GEOGRAPHIC DATA

- The report studies the relationship of personal data and data protection to geographic data. Geographic data is data combined to a specific location. A reference to geographic data can be direct, such as coordinates, or indirect, such as an address, identifier, or a name referring to a location or area.

*personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or **indirectly**, in particular by reference to an identifier such as a name, an identification number, **location data**, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (GDPR Article 4 point 1)*

RECENT STUDIES ON PERSONAL DATA AND GEOGRAPHIC DATA

- According to the report, case law concerning the meaning of "personal data" based on the Finnish Personal Data Act can be utilised also after the GDPR is applied from 25 May 2018. The meaning of the concept is at least not narrower, perhaps even wider, since new technical ways of identifying a person have been specifically taken into account in the Article.

*To determine whether a natural person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by another person to identify the natural person directly or indirectly. To ascertain whether means are reasonably likely to be used to identify the natural person, account should be taken of **all objective factors, such as the costs of and the amount of time required for identification, taking into consideration the available technology at the time of the processing and technological developments.***

RECENT STUDIES ON PERSONAL DATA AND GEOGRAPHIC DATA

- According to the report for instance a real estate number can be considered personal data, because the owner of the real estate can easily be established by phone or e-mail. In addition, the address of a house can be considered personal according to the same logics, since the real estate number and owner of the real estate can be easily and without extensive costs established.
- However, it is also stated in the report that in precise maps have not been considered personal data, although an address or real estate number can be established based on the map and a building in which a natural person lives or a real estate owned by such a person can be established based on the map.

RECENT STUDIES ON PERSONAL DATA AND GEOGRAPHIC DATA

- Geographic data may include personal data, in which a set of geographic data may form a filing system. The processing of such data (e.g. storing, using or disclosing) is limited by legislation concerning personal data.
- To this extent it seems like the usefulness and necessity of the data and the long term common use of the data and the fact that the data is indirect personal data (identification requires additional measures) have passed the literal interpretation of the data protection legislation
- According to the report a more extensive utilisation of geographic data would be possible if a separate act was enacted on processing and disclosing geographic data.

RECENT STUDIES ON PERSONAL DATA AND GEOGRAPHIC DATA

- The new act should authorise the processing of geographic data containing personal data, and if certain requirements were met, the increasingly extensive disclosure of such data.
- In the preparation of the act, a possibility for a more extensive authorisation for disclosing indirect personal data, compared to the disclosure of direct personal data, could be considered.
- According to the report the improvement of cooperation between various Finnish authorities could also improve the usability of geographic data.

SHOWING THE WAY

