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DATA PROTECTION DUTIES OF A PERSONAL DATA FILE'S CONTROLLER AT THE DATA COLLECTION STAGE

1. Premises of data protection

The law generally applicable to the protection and processing of personal data is the Personal Data Act (523/1999). It applies to the processing of personal data, unless special provisions on the matter exist in other legislation. The objectives of the Personal Data Act are to implement, in the processing of personal data, the protection of private life and the other basic rights which safeguard the right to privacy, as well as to promote the development of and compliance with good processing practice.

The idea behind the Personal Data Act is that, in all filing and processing of personal data, the protection of privacy and data protection should be taken into account in a comprehensive manner from planning to following good processing practice.

2. Rules of data protection and data security

The Personal Data Act contains several provisions that can be considered to constitute the general rules of data protection and processing personal information. These rules should be generally applied to all processing of personal data. The rules apply to controllers and all others processing personal data.

The Personal Data Act also contains rules pertaining to a data subject's rights. In addition, certain general rules of data security are closely connected to data protection in processing personal data.

The general rules referred to in Chapter 2 of the Personal Data Act are, in particular:

- Duty of care
- Defined purpose of processing
- Exclusivity of purpose
- Connection requirement
- Necessity requirement
- Accuracy requirement

The most significant rights of a data subject are, according to Chapter 6 of the Personal Data Act:

- Right to obtain information (controller's duty of providing information)
- Right of access
- Right to prohibit processing

The general rules of data security to be followed in processing of personal data are:

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- Confidentiality
- Integrity of the data
- Usability of the data

More information on data protection is available, for example, at the Office of the Data Protection Ombudsman's website at www.tietosuojaja.fi.

3. General information on data protection provisions of citizens' initiatives

Section 12 of the Citizens' Initiative Act (12/2012) provides for the processing and destruction of personal data relating to a national citizens' initiative. Respectively, article 12 of Regulation (EU) No. 211/2011 of the European Parliament and of the Council contains more specific regulations on the processing, storage and destruction of personal data relating to a European citizens' initiative.

The provisions concerning personal data in both the Citizens' Initiative Act and the Regulation of the European Parliament and of the Council on the citizens' initiative set aside, as special provisions, the provisions of the Personal Data Act in question. General provisions on data protection apply for both kinds of citizens' initiatives in parts not regulated by special provisions.

The Personal Data Act also applies, at least for national citizens' initiatives, to statements of support collected on paper, which could not necessarily be considered to constitute a personal data file without a specific special provision in the Citizens' Initiative Act.

4. Controllers

During the stage of collecting statements of support for citizens' initiatives, the controllers referred to in the Personal Data Act are the organisers of the citizens' initiative. This is also the case when statements of support are collected through the Ministry of Justice's website because, also in this case, the statements of support are collected on behalf of and for the use of the initiator's representative or citizens' committee.

5. On the exclusivity of purpose of statement of support data

According to the Citizens' Initiative Act, the personal data collected in statements of support can only be processed in the manner provided by the Citizens' Initiative Act. The information can be used for making a citizens' initiative, verification of statements of support and certification of verified statements of support. The initiator and their representative may disclose collected information only to the Population Register Centre. Respectively, a citizens' committee of a European citizens' initiative may disclose personal data only to the authorities responsible for verifying statements of support, i.e. the Population Register Centre for Finnish citizens.

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6. Description of the personal data file and the right of access

Controllers should, before commencing the collection of statements of support, draw up a description of the personal data file subject to the provisions of section 10 of the Personal Data Act and create a plan for discharging the other duties provided for in the Personal Data Act. The registered persons' rights include the right to verify his/her information in a personal data file.

The model for a description of a personal data file can be found on Office of the Data Protection Ombudsman's website at:

<http://www.tietosuoja.fi/uploads/64znaj.pdf>

7. On the storage of statements of support and data security

Statements of support and the information they contain must be stored according to the provisions of the Personal Data Act and the Regulation of the European Parliament and of the Council on the citizens' initiative. The processors of statements of support are subject to a secrecy obligation, among other things. Technical and organisational data security solutions must also be established and implemented in advance.

The Finnish Communications Regulatory Authority ensures the data security of national citizens' initiatives and EU citizens' initiatives electronic data collection and storage systems and, for national citizens' initiatives, the appropriateness of strong electronic identification.

8. On the secrecy of information contained in statements of support and the destruction of that information

The Citizens' Initiative Act and the Regulation of the European Parliament and of the Council on the citizens' initiative contain provisions for the secrecy and access to collected information and the destruction of information.

9. Penal provisions and provisions on liability in damages

The sanctions for providing false notifications or misusing information are provided for in the Criminal Code (39/1889) and section 48 of the Personal Data Act. Liability for damages is provided for in section 47 of the Personal Data Act and the Damages Act (412/1974).

Additional information:

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