Danish Act on Processing of Personal Data, in a Smart Cities Research Perspective

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What legal restrictions are imposed on smart meter processing can be done on end user consumption information and behavior analysis has imposed restrictions on it by legislation. This raises the questions:

- What legal restrictions are imposed on smart meter data?
- What processing can be done on end user consumption data?

### Important paragraphs

There are 83 paragraphs divided into 19 chapters, organized in 6 sections in the Act. Many of the chapters are concerned with the data collection and archiving by public institutions. Below are listed few of the most important paragraphs.

- §1.1: The act applies to any kind of electronic processing of personal data or data intended for filling.
- §2.3: The act does not apply to purely personal activities.
- §5.2: The data must be collected for specified, explicit and legitimate purposes. Further processing of data in a historic, statistical or scientific setting are compatible with the original purpose.
- §38: data subject can always withdraw his consent.

### Conclusions

Even though the Act on Processing of Personal Data imposes restrictions on information flows, there are some lenient sections about processing information in a statistical, historical or scientific setting that enables researchers by large to feel safe that their processing of information is in full compliance with the act.

There are sections which need careful attention; discrimination, anonymization for publication, data responsibility when receiving data, and of course common sense. The Danish Universities have a general agreement with the Data Protection Agency, which allows researchers to bypass the notification requirement for information processing.

These agreements and leniencies makes is possible for researchers to enter data exchange agreements with DSO or other partners in a research setting without having to notify all data subjects or the Data Protection Agency.

The new EU data protection directive which will be in full effect by May 25th 2018 will result in stricter compliance requirements, larger penalty and rights to the data subject and will ultimately make it harder to enter data processing agreements.

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### References

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