

## **Data Collection Notice**

With regard to your enquiry to the Danish Financial Supervisory Authority's internal whistleblower scheme, we are required to notify you that we may process any personal data you have provided in your report, along with any related supplementary information. This is in accordance with Article 13 of the European Parliament and Council Regulation No. 2016/679 of 27 April 2016 (General Data Protection Regulation). The Danish FSA is the data controller responsible for processing the personal data we have received, which pertains to you.

We must provide you with the following information:

1. As data controller - how you can contact us
2. Contact details of the Data Protection Officer
3. The purposes and legal basis for processing your personal data
4. Categories of personal data
5. Recipients or categories of recipients
6. Retention of your personal data
7. The right to withdraw consent
8. Your rights
9. Lodging a complaint with the Danish Data Protection Agency

You can find out more about the information we are obliged to provide you with in Appendix 1.

If you have any questions, please feel free to contact us. You can find our contact details in Appendix

1. Kind regards,

The Danish Financial Supervisory Authority

Appendix 1: Guidance under the General Data Protection<sup>Regulation</sup>1.

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<sup>1</sup> 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. Article 13(1) states that the where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with certain information .

## **Appendix 1 - Information regarding our processing of your personal data.**

### **1. As data controller - how you can contact us**

The Danish Financial Supervisory Authority is the data controller for the processing of the personal data we have received about you. You can contact the Danish Financial Supervisory Authority in the following ways:

- By email: [Finanstilsynet@ftnet.dk](mailto:Finanstilsynet@ftnet.dk)
- By phone: +45 33 55 82 82
- By post: Danish Financial Supervisory Authority, Strandgade 29, DK-1401 Copenhagen K

### **2. Contact details of the Data Protection Officer**

If you have any questions about the way in which we process your data, please feel free to contact our Data Protection Officer.

You can contact our Data Protection Officer in the following ways:

- By e-mail: [dpo@em.dk](mailto:dpo@em.dk)
- By phone: +45 33 92 33 50
- By post: The Ministry of Industry, Business and Financial Affairs, Attention: The Data Protection Officer, Slotsholmsgade 10-12, DK-1216 Copenhagen K

### **3. The purposes and legal basis for processing your personal data**

We process your personal data for the following purposes:

- The processing of your report submitted to our internal whistleblower scheme is carried out in view of our obligations as an authority pursuant to Act no. 1436 of 29 June 2021 on the protection of whistleblowers.

The legal basis for the processing of your personal data is provided for in:

- Act no. 1436 of June 29, 2021 on the protection of whistleblowers, Chapter 5 and GDPR Article 6(1)(e).
- The legal basis for any processing of personal data is set out in GDPR Article 9, as follows :
  - Where the processing of data is necessary for the establishment, exercise or defence of legal claims or when courts act in their judicial capacity, Article 22 of Act No. 1436 of 29 June 2021 on the Protection of Whistleblowers and Article 9(2)(f) shall apply.
  - Where the processing of data is necessary for reasons of substantial public interest on the basis of Union or Member State law, Art. 9(2)(g) shall apply. Data processing is carried out within the scope of the authority's exercise of official duties, essential for fulfilling its obligations under the Whistleblower Act, as outlined in section 22, and in accordance with Article 9(2)(g) of the GDPR.

- The legal basis on which we may process personal data relating to criminal convictions and offences is as follows:
  - Section 22 of Act no. 1436 of 29 June 2021 on the protection of whistleblowers and section 8(1) of the Data Protection Act serve as the legal basis for the processing of personal data in respect of criminal convictions and offences.
- The legal basis on which we may process national identification numbers is as follows:
  - Section 22 of Act no. 1436 of 29 June 2021 on the protection of whistleblowers and section 11(1) of the Danish Data Protection Act serve as the legal basis for the processing of CPR numbers.

#### **4. Categories of personal data**

We process the following categories of personal data relating to you:

- The personal data that you may have provided in your report or related supplementary information. For example, if you opt to disclose your identity during the reporting process, we will process your contact information. In addition to this, we process the content of your report and any supplementary information.
- As the reporter, you shall decide which information you consider pertinent as part of the reporting process. Please note that you have the option to submit reports anonymously through the internal whistleblower scheme via SWS (the state whistleblower system).

#### **5. Recipients or categories of recipients**

- The personal data processed as part of our internal whistleblower program will be used internally within the whistleblower unit for the purpose of processing the report.
- Any information that may reveal your identity or from which your identity may be established, shall not be disclosed to anyone other than designated employees who are qualified to receive or investigate your report, without your explicit consent, as provided for in Section 11, Paragraph 1, and Section 26, Paragraph 1 of the Whistleblower Act.
- We may, however, disclose information related to your identity or other details that could directly or indirectly identify you to another public authority without your consent. This disclosure is permissible to address violations of section 1(1) of the Whistleblower Act or to uphold the affected persons' right to a defence, as outlined in section 26(2) of the Whistleblower Act.
- Personal data pertaining to you, excluding identity information obtained from reports, may only be disclosed to individuals other than those assigned to receive and follow up on reports, as outlined in section 11(1) of the Whistleblower Act. This disclosure is permissible as part of the follow-up process on your report or to address violations outlined in section 1(1), as detailed in section 26(3) of the Whistleblower Act. Disclosure may take place internally within the FSA or externally. Regarding the disclosure of such information, it will be explicitly stated that the recipient of such information is bound by a duty of confidentiality regarding the information's content to the same extent as the disclosing party, in accordance with section 25(2) of the Whistleblower Act.

- Any personal data and other information provided in your report or follow-up thereof are exempt from public access, as mandated by the confidentiality provision in section 25(1) of the Whistleblower Act. Therefore, this information will not be disclosed.
- The provisions of the Danish Public Administration Act on parties' access to documents, party consultation and justification do not extend to personal data pertaining to your identity and other information from which your identity can be directly or indirectly determined. This means that we will not disclose personal data about your identity and other information from which your identity may be directly or indirectly determined to any concerned persons covered by your report.
- The Danish FSA works in conjunction with the Centre for Cyber Security's sensor network. This means that data regarding traffic from the open internet is forwarded to the Centre for Cyber Security in order for the centre to assess whether the traffic poses a risk to the FSA. For example, data such as email addresses and subject lines of incoming emails will be forwarded. All communications to and from the Danish Whistleblower System is encrypted and shall not be forwarded to the Centre for Cyber Security, nor is personal data that enters our case management system from the Danish Whistleblower System forwarded on.
- We entrust your personal data to our data processors. We have entered into data processing agreements with the data processors and we oversee that the data processors comply with the data processing agreements in accordance with applicable rules.

## **6. Retention of your personal data**

We retain your personal data in two systems: SWS (the Danish Whistleblower System) and our case management system. The standard retention period in the SWS system is generally 90 days. We may decide to extend the retention period if the processing of the report is still ongoing. We conduct a detailed assessment to decide whether an extension is required and to determine the appropriate duration of that extension where required. Reports from SWS are deleted by the Danish Government IT service, in its capacity as the data processor for the Danish FSA. Due to security reasons, the FSA cannot delete reports in SWS.

We also retain your personal data in our case management system for as long as may be required for the processing of the case, or for as long as required for the intended purpose or until any statutory deadlines expire. We retain your personal data for 5 years following the conclusion of the journal period in which the case is closed and may extend this retention period following a specific assessment. Due to archiving requirements, we are unable to set a deletion period of less than five years.

An extension of the retention period may occur, for instance, if it is determined that individuals protected under whistleblower laws may need to document the report, or if it is assessed that subsequent reports may substantiate the current one regarding similar circumstances. The submission of multiple reports relating to the same matter may necessitate their retention in order to link them together. An extension of the retention period may also be granted if it is necessary to adhere to the Danish Financial Supervisory Authority's archiving requirements.

## **7. The right to withdraw consent**

Consent is not used as the legal basis for processing any personal data related to the handling of your report. However, in specific cases, consent may be obtained to disclose information about your identity, in accordance with section 26 of the Whistleblower Act.

If you provide specific consent to this, you have the right to withdraw your consent at any time. This can be done by contacting us via SWS.

Should you decide to withdraw your consent, it will not affect the legality of our processing of your personal data based on your previous consent which shall remain lawful and valid until the moment your consent is formally withdrawn. Therefore, if you withdraw your consent, it will only apply from that moment onward.

## **8. Your rights**

The General Data Protection Regulation grants you a number of rights in relation to the FSA's processing of your personal data.

If you wish to exercise any of these rights, please contact the Danish Financial Supervisory Authority.

### **Right to view your data (right of access)**

You have the right to access the data we process about you, in addition to certain other information.

### **Right to rectification (correction)**

You have the right to request correction of inaccurate information relating to yourself. You also have the right to request the addition of supplementary information to your data, if doing so will improve the completeness and accuracy of your personal data.

### **Right to deletion**

In certain cases, you have the right to request the deletion of your personal data before our standard deletion date.

### **Right to restriction of processing**

You have the right to request the restriction of the processing of your personal data in certain cases. If you exercise your right to restrict processing, going forward, we can only process the data — excluding retention — with your consent, for the purpose of establishing, exercising, or defending legal claims, or to protect individuals or significant public interests.

### **Right to object**

Under certain circumstances, you may have the right to object to the otherwise lawful processing of your personal data .

You can find more information about your rights in the Danish Data Protection Agency's guide on data subject rights at [www.datatilsynet.dk](http://www.datatilsynet.dk)

## **9. Lodging a complaint with the Danish Data Protection Agency**

If you are unhappy with the way in which we process your personal data, you have the right to submit a complaint to the Danish Data Protection Agency. You can find the Danish Data Protection Agency's contact information at [www.datatilsynet.dk](http://www.datatilsynet.dk).