

Data. Protection. Adding Value.

GDPR Local Insights*



Denmark

Legislation

In Denmark, the GDPR is supplemented by the Danish Data Protection Act (Databeskyttelsesloven). This Act makes use of the opening clauses in the GDPR, which allow for national adjustments and specifications. The Danish Data Protection Act provides additional details and clarifications that are specific to the Danish context.

Supervisory Authority

In Denmark, the national supervisory authority responsible for monitoring the application of data protection regulations is Datatilsynet (the Danish Data Protection Agency).

Special Conditions for Data Processing

Denmark has additional laws that govern data protection in specific sectors. For example, the Health Act contains provisions on the processing of health data, and the Financial Business Act has rules on the processing of data within the financial sector.

The Act contains special rules on the processing of personal data related to (1) employment, (2) the Central Person Register (CPR) number, which is a unique identification number assigned to every citizen, (3) information on criminal offenses, (4) credit information, (5) CCTV surveillance, and (6) rules related to carrying out statistical or scientific studies.

Special Categories of Data

In addition to the Danish Data Protection Act and the GDPR, there are special legislations and executive orders enacted in specific areas or situations, which also constitutes a legal basis for the processing of personal data, including special categories of personal data. This, for instance, falls within the areas of healthcare, employees, social security, child welfare, etc.

Restrictions on Individuals' Rights

In the Danish Data Protection Act, Section 22, there are restrictions on individuals' rights. For example, the provisions of the GDPR's Article 13-14, Article 15, and Article 34 do not apply if it is found that the data subject's interest in the information should yield to crucial considerations of private interests, including the interest of the individual concerned, or public interests. Public interests may include state security, defense, and public safety.

The right to erasure may be exempted if, according to other legislation, there is a mandatory retention requirement, for example, the Archives Act or the Accounting Act. Furthermore, an exception to the right to erasure applies if the processing is necessary to exercise the right to freedom of expression and information.

Other Relevant Exemptions

The Danish Data Protection Agency cannot issue administrative fines. If the Data Protection Agency assesses that the data controller should be fined for violating the GDPR, it reports the data controller to the police and attaches a recommendation for the amount of the fine. The Danish courts will then rule on the matter, if the prosecuting authority finds that the violation has criminal merits.

The Act provides a specific legal basis for processing both sensitive and general personal data for research purposes. Section 10 of the Act, known as *forskerhjemlen*, serves as a broad catch-all provision and is the primary legal basis for most research conducted in Denmark. It allows researchers to process sensitive data (such as health information) without obtaining individuals' consent.

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*The overview intends to provide general insights on the level of supplementary rules implemented in a country and for such purpose provides examples where the relevant member states have made use of the exemption provided by the GDPR. It is therefore non-exhaustive.

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