

# Office of the Data Protection Ombudsman

- An independent authority

- 1) TASKS OF DATA PROTECTION OMBUDSMAN  
ACCORDING TO BENNETT
- 2) CO-OPERATION WITH INTEREST GROUPS OF DATA  
PROTECTION OMBUDSMAN
- 3) INTERNATIONAL CO-OPERATION  
\* Nordic co-operation

by Mr Reijo Aarnio

Data Protection Ombudsman

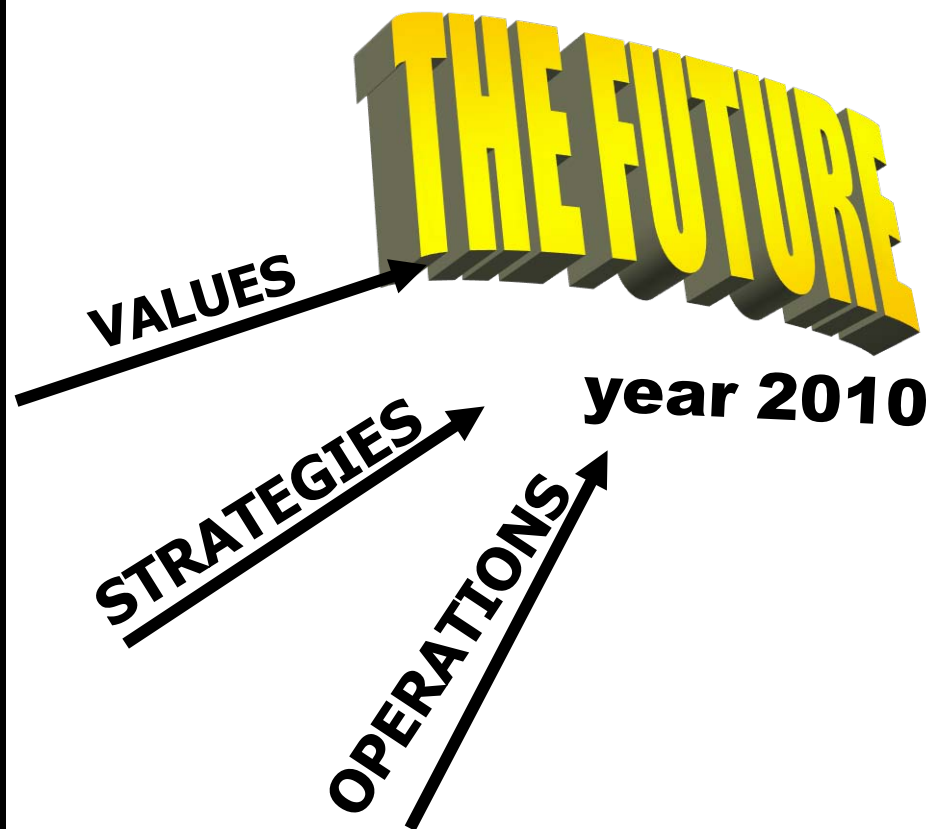
OFFICE OF THE DATA PROTECTION OMBUDSMAN/Finland



- is an independent authority operating in connection with the Ministry of Justice.
- is run by the Data Protection Ombudsman, appointed by the Council of State for a term of five (5) years.
- Mr Reijo Aarnio has been the Data Protection Ombudsman since November 1, 1997.
- The deputy and assistant to the Ombudsman is Head of Department Mrs Elisa Kumpula
- The total number of staff is 20.

# THE GENERAL VISION FOR THE OFFICE OF THE DATA PROTECTION OMBUDSMAN

“We want to make data protection into a legal, quality of life improving qualitative feature of our civic society, the existence of which everybody is aware of and to which everybody is willing to commit. Without data protection a civic society cannot come into existence and without a civic society that respects its citizens’ data-related rights and other basic rights, no data protection or other related rights can become a reality” (14.9.2001)



- ▶ integration of data protection into the actions of society
- ▶ citizens have knowledge of their rights

= THE KEY THOUGHTS



According to Bennett (2002):

## The main duties/roles of Data Protection Ombudsmen

1. Public counsel, ombudsman
2. Inspector
3. Consult
4. Educator
5. Political adviser
6. Negotiant
7. Executor
8. International emissary

The main duties of Data Protection Ombudsmen are in details:

## 1. Public counsel, ombudsman

- traditionally the most important duty before, but nowadays the relative meaning of this particular duty is gradually decreasing
- includes handling the complaints/appeals brought up by the citizens

## 2. Inspector

- control of the principles concerning personal data files and processing of personal data in general
- Both unofficial visits and thorough investigations of the whole procedures

## 3. Consult

- guidance for the controllers  
(legal standards and how to applicate them/= scope)

## 4. Educator

- distributing information of data protection throughout the society
- instructions to citizens, authorities and other controllers
- information activities (different channels). Making of guidebooks and brochures

The main duties of Data Protection Ombudsmen are in details:

## 5. Political adviser

- the DPO must be heard in matters of preparation of legislative reforms concerning privacy and processing of personal data
- statements, workgroups, hearings

## 6. Negotiant

- the DPOs negotiate with the controllers for example about the codes of conduct. (field-specific self-regulation towards good and proper procedures)

## 7. Executor

- the negligence of data protection legislation gives the DPOs right to interfere
  - ▶ guidance, supervision, recommendations, or even more strong means
  - ▶ in the long run a violation may be brought to a general court

## 8. International emissary

- due for example to EU the international tasks have become more and more important part of the DPO's work
- moreover the DPOs act with various regional or international issues and workgroups based on the need to handle some special questions, etc

# Duties in other words

1/2

- 1) General Guidance **and** Consultation
  - **advice given by telephone and the website + publications and model forms**
  - **lectures + work groups initiated by DPO**  
(fields: education, health care, city administrative courts etc.)
- 2) Guidance towards the Compilation of the Codes of Conduct
- 3) Decisions (**stored regularly in an electronic archive for the use of the whole staff!**)
- 4) Consultation **and** Statements **for Authorities, Prosecutors and Courts of Law**
- 5) Supervision **and** Inspection
  - **controller's statutory duty of notification**
  - **Inspections aim at assessing compliance with the law of data processing, guiding controllers, improving the standard of systems and preventing violations in advance.**

# Duties in other words 2/2

## **6) Information**

- official plan for the Office's information was approved and published in year 2003**
- the Tietosuoja magazine is published by the Finnish Communications Regulatory Authority, Office of the Data Protection Ombudsman, Data Protection Board and publisher Stellatum. It's aimed at controllers. 4 issues / year.**
- the website ([www.tietosuoja.fi](http://www.tietosuoja.fi)) was opened in a modernized form 7.9.2004**

## **7) International Co-operation**

## **8) Transfer to the Data Protection Board**

**(in certain cases, bring an act of violation to the consideration of the Data Protection Board.**

# Values of the DPO

guidelines for the office's operations are:

- 1) **proven results and customer-oriented approach**
- 2) **mutual respect and trust**
- 3) **openness and commitment to the larger objectives**
- 4) **readiness to change and develop**

= "tools" in the daily decision-making !

# Operation Principle

to maintain and promote **the right to privacy, one of the basic rights of each citizen**, by

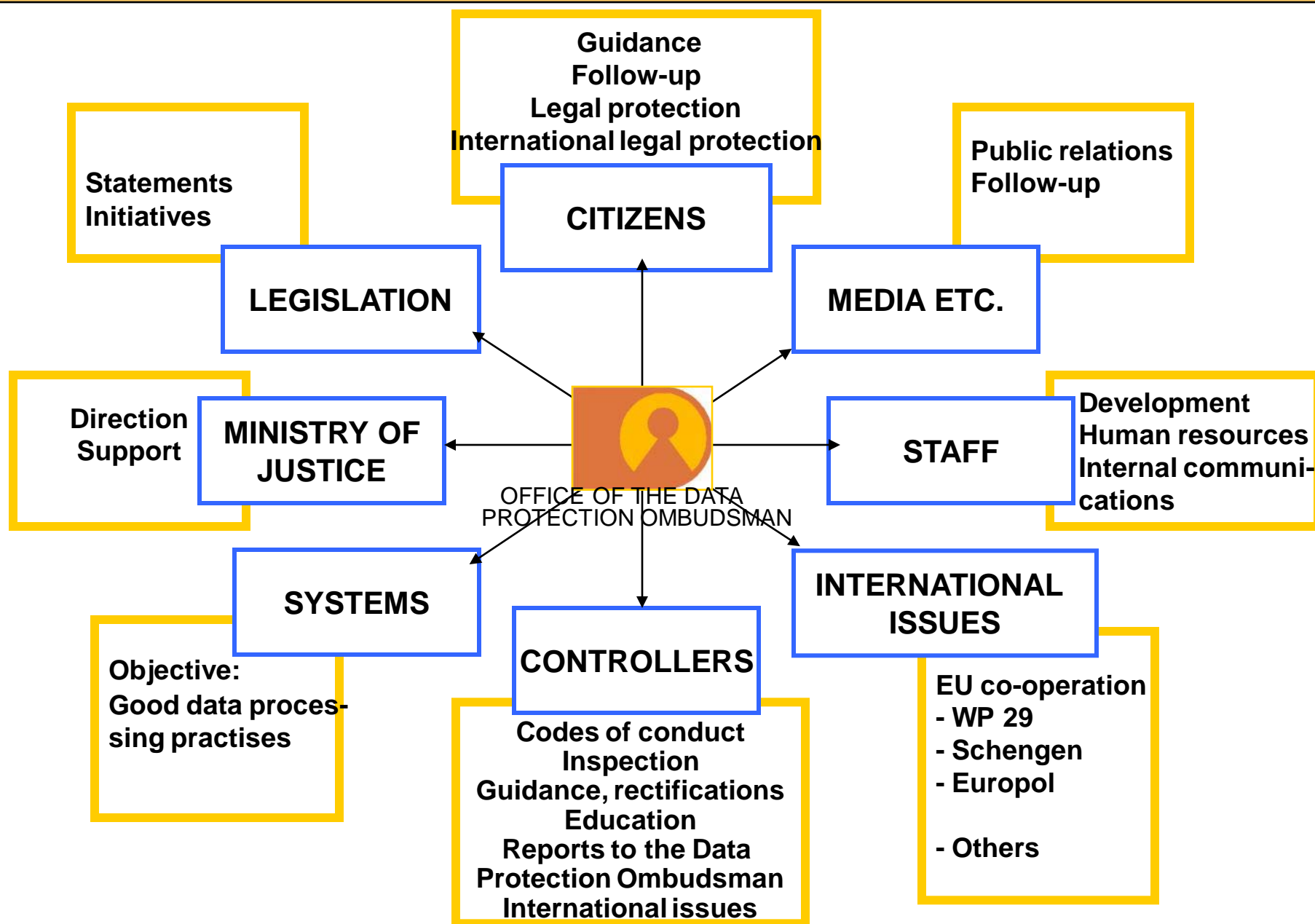
- 1) **fulfilling the duties assigned to the data protection ombudsman by legislation**
- 2) **co-operating with data subjects and controllers and organisations representing them as well as other related bodies, aiming at preventing violation of privacy in advance**
- 3) **promoting the development of, and compliance with, good data processing practice**
- 4) **assisting and supporting the development and use of systems supporting and safeguarding privacy**

# Strategies

**the means by which we aim to realise our visions, are**

- 1) creating products from our services**
- 2) expertise and delegation of competence to the staff**
- 3) learning, participatory, actively working, thin organisation**
- 4) breaking the vision into smaller intermediate goals, the achievement of which is monitored**
- 5) co-operation**
- 6) engaging the staff through values**

# Operation Environment and Duties



# Co-operation with the interest groups

**1**

**OFFICIALLY APPOINTED WORK GROUPS AND STEERING GROUPS  
PER ADMINISTRATIVE SECTORS**

**2**

**OTHER OFFICIALLY APPOINTED WORK GROUPS AND  
STEERING GROUPS**

**3**

**UNOFFICIAL WORK GROUPS AND STEERING GROUPS**

**A) GROUPS WHICH WERE APPOINTED BY THE DATA PROTECTION OMBUDSMAN  
HIMSELF FOR THE MAIN BRANCHES (EDUCATION, SOCIAL AND HEALTH CARE,  
IT-GROUP ETC.)**

**B) OTHER GROUPS AND CO-OPERATION PARTNERS**

**4**

**INTERNATIONAL CO-OPERATION**



# INFORMATION SOCIETY PROGRAMME

## Information Society Council

**Appointed in 4.9.2003 ; First meeting, 22.10.2003**

**Prime Minister *Vanhanen*, chairman**

**Permanent expert member: *Aarnio* Reijo, Data Protection Ombudsman**

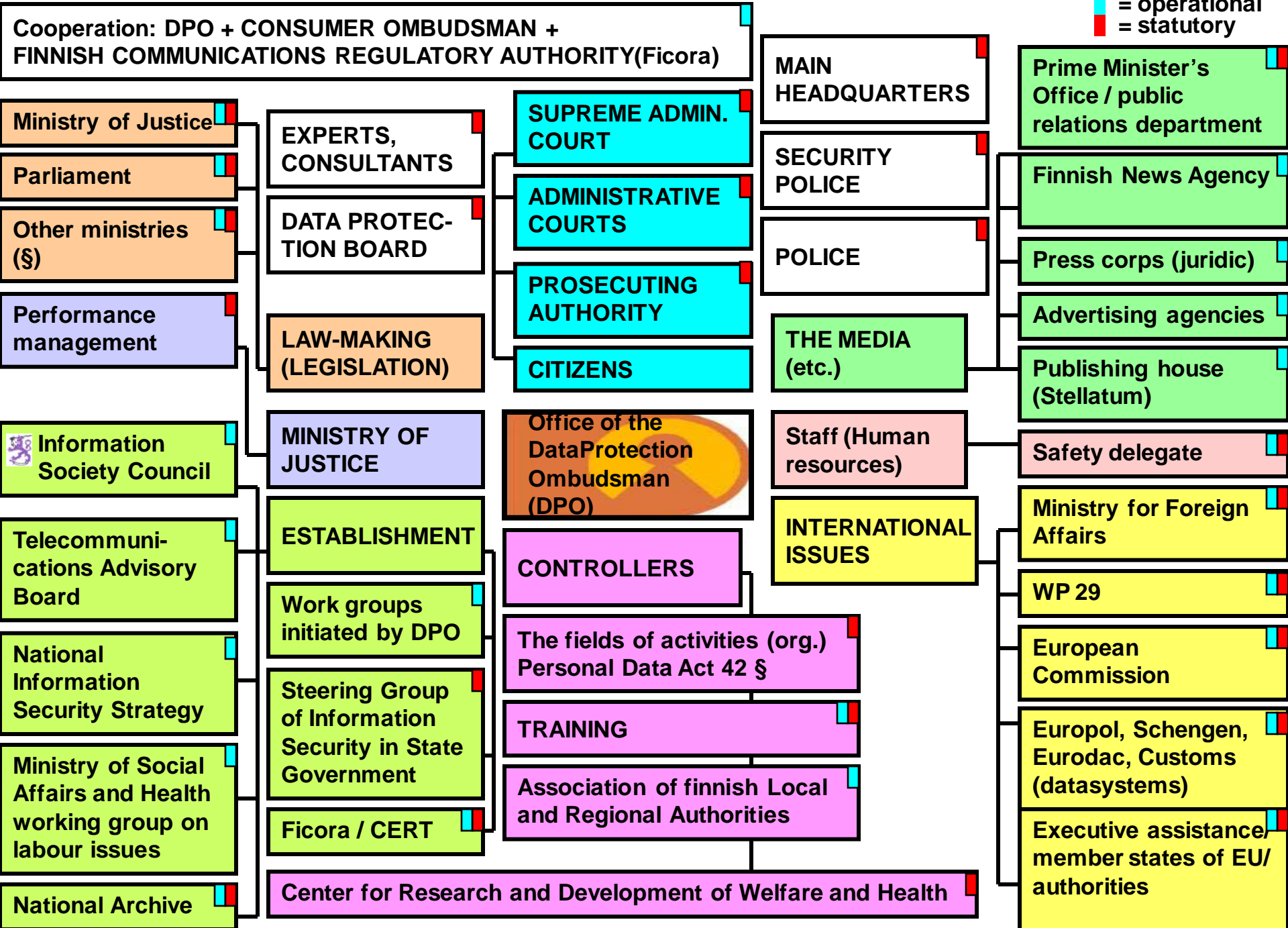
**Negotiation and coordination organ to direct the information society process**

### **Tasks:**

- **To handle main definition of policy relating to information society issues**
- **To anticipate, follow-up and estimate information society development, impacts of the development and to make initiatives to ensure inter-sectoral cooperation**
- **To follow-up and handle horizontal initiatives and legislative initiatives concerning developments in the information society sector and their implementation**
- **To follow-up international developments in the information society sector and to make proposals for Finnish guidelines**
- **To develop interaction between government and economic life in the information society projects**
- **To estimate the Information Society Programme and its progress.**
- **To inform government about the current development of information society**

The interest groups related to the Office of the Data Protection Ombudsman (DPO) / Finland

■ = operational  
■ = statutory



# INTERNATIONAL Co-operation

**1 ANNUAL INTERNATIONAL CONFERENCE, THE WORLD MEETING**

**2**

**ARTICLE 29 WORKGROUP, WP 29**

**3**

**SUBGROUPS OF WP 29**

**- FOR EXAMPLE IT-SUBGROUP**

**others:**

**Joint Supervisory Bodies (Police section):**

**Joint Supervisory Body of the Customs System**

**Data Protection Meeting for the presenting officials (inspectors) of the european data protection authorities (Case handling workshop)**

**Contact network spam authorities (CNSA)**

**Co-operation group of the nordic Data Protection Ombudsmen**

# NORDIC CO-OPERATION

## **1 MEETING OF THE NORDIC DATA PROTECTION OMBUDSMEN**

- every second year at some nordic country**
- also when needed own nordic meetings before every WP 29 meeting**

**2**

## **MEETING OF THE NORDIC DATA PROTECTION AUTHORITIES**

**(inspectors)**

**3**

## **MEETING OF THE NORDIC TECHNICAL EXPERTS OF DATA PROTECTION**

**Also:**

**Mutual nordic inspections when needed**

**Other co-operation when needed**