

2. SWEDEN  
DATA ACT  
OF 1 MAY 1973

INTRODUCTORY PROVISIONS

Section 1

For the purpose of this Act

*Personal information* means information concerning an individual,

*Personal register* means any register or any other notes made by automatic data processing (ADP) and containing personal information that can be assigned to the individual concerned,

*Individual registered* means an individual in respect of whom personal information occurs in a personal register,

*Responsible keeper of a register* means anyone for whose activity ADP is being carried out, if the register is at his disposal.

PERMISSION ETC.

Section 2

A personal register may not be started or kept without permission by the Data Inspection Board.

The first paragraph of this Section does not apply to personal registers established according to a decision by King or Parliament. Before such a decision is taken the Data Inspection Board shall be heard.

Section 3

The Data Inspection Board shall grant permission to start and keep a personal register, if there is no reason to assume that, with due observance of the regulations laid down pursuant to sections 5 and 6, undue encroachment on the privacy of individuals will arise.

At the appraisal whether undue encroachment may arise special attention should be given to the kind and quantity of personal information meant to be included in the register and to the attitude

towards the register shown or expected from the individuals meant to be registered.

#### Section 4

Permission to start and keep a personal register containing information that anyone is suspected of or convicted for a crime or has served a sentence or paid other consequences of a crime or has been subjected to coercive action under the Child Welfare Act, the Temperance Act, the Act on Provision of Psychiatric Treatment in Detention in Certain Cases, the Act on Care of Certain Mentally Retarded Persons, the Act on Measures in Cases of Asociality or Danger to the Public or the Foreigners Act may not be granted to a person other than an authority which is by law or statute responsible for keeping a record of such information, unless there are extraordinary reasons for this.

Permission to start and keep a personal register otherwise containing information about anybody's illness or state of health or information that anybody has received social assistance, treatment for alcoholism or the like, or has been the subject of proceedings under the Child Welfare Act or the Foreigners Act, may not be granted to a person other than an authority which is by law or statute responsible for keeping a record of such information, unless there are special reasons for this.

Permission to start and keep a personal register containing information about anybody's political or religious views may be granted only where there are special reasons. This shall not, however, apply to a personal register that an association wants to keep of its own members.

#### Section 5

When granting a permission to start and keep a personal register the Data Inspection Board shall issue regulations as to the purpose of the register and the personal information that may be included. If there are special reasons the permission may be limited to certain time.

#### Section 6

If permission is granted to start and keep a personal register, the Data Inspection Board shall, insofar as is needed to prevent danger for undue encroachment on privacy, issue regulations concerning

1. the obtaining of information to the personal register,
2. the carrying out of the ADP,
3. the technical equipment,

## *Appendix B*

4. the adaptation of personal information that may be made through ADP,
5. information to the persons affected,
6. what personal information may be made accessible,
7. the issuance of personal information to others and other use thereof,
8. the keeping and selection of information,
9. control and security.

Regulations regarding issuance of personal information may not restrict the duties of authorities under the Freedom of the Press Act.

### Section 7

What has been stated in sections 5 and 6 about the duty of the Data Inspection Board to issue regulations also applies to personal registers referred to in section 2, second paragraph, if regulations have not been given by King or Parliament.

#### THE DUTIES OF THE RESPONSIBLE KEEPER OF THE REGISTER

### Section 8

If there is reason to suspect that personal information in a personal register is incorrect, the responsible keeper of the register shall, without delay, take the necessary steps to ascertain the correctness of the information and, if needed, to correct it or exclude it from the register.

If a piece of information, that is corrected or excluded, has been handed over to a person other than the individual registered, the responsible keeper of the register shall, at the request of the individual registered, notify the receiver concerning the correction or the exclusion. If there are special reasons the Data Inspection Board may exempt the responsible keeper of the register from his duty to notify.

### Section 9

If in a personal register there is personal information which must, with regard to the purpose of the register, be regarded as incomplete, or if a personal register which constitutes a record of persons lacks information of a person who with regard to the purpose of the register must be expected to be included in it, the responsible keeper of the register ought to supplement what is needed. Such supplementary addition shall always be made, if the incompleteness may cause undue encroachment on privacy or risk of loss of rights.

Section 10

At the request of an individual registered the responsible keeper of the register shall as soon as possible inform him of the personal information concerning him in the register. When an individual registered has been thus informed, new information need not be given to him until twelve months later.

Information according to the first paragraph of this section shall be given free of charge. If there are special reasons the Data Inspection Board may, concerning a certain kind of personal information, permit a fee.

The provision of the first paragraph does not apply to information which, pursuant to law or statute or the decision of an authority, may not be delivered to the individual registered.

Section 11

Personal information in a personal register may not be issued if there is reason to assume that the information will be used for ADP contrary to this Act. If there is reason to believe that personal information will be used for ADP abroad the information may be issued only after permission by the Data Inspection Board. Such permission may be given only if there is ground to believe that the issuance will not cause undue encroachment on privacy. Concerning prohibition of issuance from authorities of personal information regulations are given in the Act on Restrictions of the Right to obtain Public Documents.

Section 12

Should a responsible keeper of a register cease to keep a personal register the Data Inspection Board must be notified. The Data Inspection Board shall prescribe how the register should be dealt with.

Section 13

The responsible keeper of a personal register and any other person who has concerned himself with it may not without authorisation reveal what he has learnt from it about the personal circumstances of an individual.

If personal information has been issued in accordance with such regulations given pursuant to section 6 or 18 that limit the right of the receiver to pass it on, the receiver or any person who in his activity has dealt with the information may not without authorisation reveal what he has learnt about the personal circumstances of an individual.

## *Appendix B*

### Section 14

Information from an ADP recording, that is used by an authority for the purpose of judicial or administrative proceedings, shall be added to the relevant file in readable form, if special reasons do not speak in favour of an exception.

#### SUPERVISION ETC.

### Section 15

The Data Inspection Board supervises that ADP does not cause undue encroachment on privacy.

The supervision shall be executed in such a way that it does not cause greater costs or inconvenience than is necessary.

### Section 16

For the purpose of its supervision the Data Inspection Board shall be granted admission to premises where ADP is carried out or where computers or equipment or recordings for ADP are kept. Moreover, the Data Inspection Board shall have access to documents relating to ADP and may make arrangements for operating the computers.

### Section 17

The responsible keeper of a register shall deliver to the Data Inspection Board the information and particulars concerning the ADP which the Board requires for its supervision. What is now said also applies to anyone who handles a personal register on behalf of the responsible keeper of the register.

### Section 18

If the keeping of a personal register has caused undue encroachment on privacy or if there is reason to believe that such encroachment will appear the Data Inspection Board may, insofar as needed, alter regulations given before or issue new regulations of the kind referred to in sections 5 or 6. With regard to registers referred to in section 2, second paragraph, the Data Inspection Board may take those steps only if they are not contrary to decisions taken by King or Parliament. If protection against undue encroachment on privacy cannot be attained by other means, the Board may cancel a given permit.

### Section 19

Any person who has dealt with matters concerning permission or

supervision under this Act at the Data Inspection Board may not without authorisation reveal what he has learnt about the personal circumstances of an individual or about professional or business secrets.

PENALTIES AND DAMAGES ETC.

Section 20

Any person who wilfully or by negligence

1. starts or keeps a personal register without permission under this Act, when such permission is required,
  2. offends against a regulation issued pursuant to sections 5, 6 or 18,
  3. issues personal information in violation of section 11,
  4. offends against the provisions of sections 12 or 13,
  5. gives incorrect information when fulfilling an obligation to inform as stated in section 10,
  6. gives incorrect information in a case referred to in section 17, or
  7. offends against the provisions of section 19,
- shall be sentenced to a fine or to a term of imprisonment not exceeding one year.

Public prosecution for an offence against sections 13 or 19 may be instituted only if the person aggrieved requests this or prosecution is called for from a public point of view.

Section 21

Any person who, without authorisation, effects access to recordings for ADP or unduly alters or obliterates such information or includes it in a register will be sentenced for data trespass to pay a fine or a term of imprisonment not exceeding two years, if the perpetration is not punishable by the Penal Code.

Attempt or preparation of a crime referred to in the first paragraph of this section will be punished according to 23rd Chapter of the Penal Code. When the offence, if completed, would have been considered trivial, nobody may be convicted under this paragraph.

Section 22

If a personal register has been started or kept without permission, though such a permission is needed, the register will be forfeit, if that is not manifestly unreasonable.

## *Appendix B*

### Section 23

If an individual registered suffers damage because a personal register contains incorrect information about him the responsible keeper of the register shall pay compensation to him. When judging if damage has been caused and assessing the compensation the suffering inflicted and other circumstances of other than a purely pecuniary significance shall be taken into consideration.