

# ***Det finansielle ankenævn***

Amaliegade 7 • DK-1256 København K  
sek@fanke.dk • www.fanke.dk • Tlf. (+45) 3543 6333

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## **Processing of personal data**

### **Data controller**

The Danish Financial Complaint Board and the Complaint Board of Danish Securities and Brokering Companies (hereafter the Complaint Board) are data controllers of the personal data that each of the Complaint Boards process in connection with a complaint.

### **Contact information**

The Danish Financial Complaint Board  
Amaliegade 7  
DK-1256 Copenhagen K  
CVR number (Company register number) 12232543  
Telephone: +45 3543 6333 (workdays 10.00 to 12.00)  
[www.fanke.dk](http://www.fanke.dk)  
[sek@fanke.dk](mailto:sek@fanke.dk)

### **Where does the data come from**

We receive the information from the parties of the case (the complainant, the potential representative of the complainant and the financial institution(s) involved).

### **Recipients or categories of recipients**

We pass on the personal data to the parties of the case in question. Furthermore, the documents of the case will be passed on to those Complaint Board members who decide the case.

### **Categories of personal data**

Primarily, we receive data about the complainant's financial situation. The documents furthermore contain general personal information such as name, address and telephone number. In some cases, the Complaint Board may also receive sensitive information from the parties involved about i.a. the complainant's health and criminal convictions and offences. In some cases, the documents from the involved parties may contain information about third parties.

### **Aim of the processing of personal data**

We process personal data when preparing the decisions to be made by the Complaint Board.

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## **Legal basis for the processing of personal data**

The processing of personal data is based on a consent given by the complainant when filing the complaint.

The legal basis of the Complaint Board to process general personal data may be found in the General Data Protection Regulation Art. 6, Subsec. 1 (a). The legal basis of the Complaint Board to process special categories of personal data may be found in the General Data Protection Regulation Art. 9, Subsec. 2 (a). The legal basis of the Complaint Board to process data about criminal actions may be found in the Danish Data Protection Law, Sec. 8, Subsec. 3 and 5 and the legal basis to process the Danish Social Security Number may be found in the Danish Data Protection Law, Sec. 11, Subsec. 2, no. 2. In some cases, data about a third party may be part of the complaint.

Possible processing of data about a third party will be carried out in order to ascertain a legitimate interest from the parties involved in the case, from the Complaint Board or from a third party or in order to determine, uphold or defend a legal claim.

The legal basis of the Complaint Board to process such general personal data may be found in the General Data Protection Regulation Art. 6, Sec. 1 (f) as the Complaint Board's decision on a complaint constitutes a legitimate interest and as the interests of a third party do not take priority in this situation. In some cases there may be certain categories of personal data, for instance health information about a third party, which are necessary in order for the Complaint Board to decide upon the complaint. The legal basis for the processing will in this event be provided for in the Danish Data Protection Regulation, Art. 9, Sec. 2 (f), the Danish Data Protection Law, Sec. 8, Subsec. 5 and Sec. 11, Subsec. 2, no. 4 as the processing may be necessary in order for a legal claim to be determined, enforced or to be defended.

## **The right to withdraw consent**

At any time, the complainant may withdraw his/her consent. In that case, the complainant must contact the Secretariat of the Complaint Board. If the consent is withdrawn, the information pertaining to the case will be deleted and will no longer be accessible. Non-decided cases by the Complaint Board will be considered withdrawn, the case will be closed and the complaint fee refunded. Withdrawing the consent will not affect the legality of the Complaint Board's processing of personal data up to the time of the withdrawal and it will not affect the legality of a decision already made.

## **Safekeeping of personal data**

The data are kept for five years after closing the case. Then the data are deleted, unless in special cases if assessed that continued safekeeping is necessary.

The decisions of the Complaint Board are uploaded to the Complaint Board's homepage in an anonymized version, without stating the name, address, etc. of the complainant or a third party for a non-limited period. Publication of the decisions on the homepage take place according to the Danish Data Protection Law, Sec. 9 and Sec. 26, Subsec. 1, no. 3, the General Data Protection Regulation Art. 6, Subsec. 1 (e). and according to a permission from the Danish Data Protection Agency.

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## **Rights**

According to the data protection regulation, persons for whom we process data (data subjects) have different rights. If you want to make use of your rights, you must contact us.

**The right of access by the data subject (right to access data).** Data subjects have the right to access the data we process for said person. We regularly pass on all documents (posts and attachments) which we receive from the financial institution(s) involved to the complainant thus gaining access to the data.

The data subjects have the right to access data relating to the aim of the processing, categories of personal data, recipients, time frame and the source of personal data which have been stated above. Furthermore, the data subjects are entitled to be informed of their rights, cf. below.

Apparently groundless or exaggerated requests for information, especially due to repetition, may be rejected.

**Right to rectification (correction).** Data subjects have the right to correction of incorrect data. This may i.a. be done if the data subject presents a supplementary declaration with his/her points of view of the case which will then be added to the case. On an ongoing basis, the complainant will have the possibility of presenting such a supplementary declaration when the complainant comments on the information presented by the financial institution(s) involved.

**Right to erasure.** In special cases, a data subject has the right to have his/her personal data deleted before our general deletion takes place. At any time, the complainant may withdraw his/her consent upon which the data pertaining to the case will be deleted.

**Right to data portability.** The complainant has the right to receive his/her personal data in a commonly used electronic format.

**Right to object.** In certain cases, the data subjects have the right to object to an otherwise legal processing of his/her data. As processing of data about the complainant occurs based on a consent, the right to object will not be relevant to the complainant in this context.

**Right to restriction of processing.** In certain cases, data subjects have the right to have their personal data restricted so that the data in future may only be processed – except from safekeeping – with the registrant's consent or with a view to determining, upholding or defending a legal claim.

**Right to not be a subject to a decision based solely on automated processing incl. profiling.** The Complaint Board neither makes automatic decisions and nor does it carry out profiling on the basis of personal data.

You may read more about your rights in the guide from the Danish Data Protection Agency about data subjects' rights at [www.datatilsynet.dk](http://www.datatilsynet.dk).

**Complaint to the Danish Data Protection Agency**

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You may file a complaint with the Danish Data Protection Agency if you are not satisfied with the way we handle your personal data. The contact data of the Danish Data Protection Agency may be found at [www.datatilsynet.dk](http://www.datatilsynet.dk).