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Guidelines for processing data disclosed by Traficom

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1 The purpose of these guidelines

All processing of data from the Transport Register must be carried out without compromising the privacy, interests or rights of the data subjects. The data must not be used for purposes that could undermine citizens' trust in the Transport Register.

The purpose of these guidelines is to support disclosees of data from the Transport Register in the appropriate processing of the data and harmonise the practices of services that are based on data from the Transport Register. The guidelines apply to disclosees that use data from the Transport Register to carry out their statutory duties.

The processing of the disclosed data must be carried out in accordance with the terms and conditions of a data permit decision issued by the Finnish Transport and Communications Agency Traficom (hereinafter Traficom). In addition to this, disclosees must follow the instructions provided in these guidelines. Traficom can unilaterally change the content of these guidelines.

2 Key concepts

Personal data means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Disclosee means an organisation to which Traficom discloses data in accordance with the terms and conditions of a data permit.

Service means a service of a disclosee in which the disclosee uses data disclosed by Traficom to carry out statutory duties.

Data subject means a natural or legal person whose data is recorded in the Transport Register.

Data means vehicle, company and personal data recorded in the Transport Register.

Data protection is a part of privacy protection and a basic human right. Data protection protects people's right to privacy, access to their personal data and the lawful processing of data.

Information security means measures for ensuring the integrity, confidentiality and usability of data.

3 Processing personal data

The disclosee serves as the controller of the disclosed data in accordance with the General Data Protection Regulation and is thus independently responsible for fulfilling the obligations of a controller. The processing of personal data must be justified on the basis of the disclosee's operations, and all processing of personal data must be planned in advance. The disclosee is in all situations responsible for the appropriate processing of personal data and the data protection and information security related to the processing of personal data.

The disclosee must make sure that the disclosed data is appropriately stored, protected and deleted as per the General Data Protection Regulation, the Finnish Data Protection Act and other data protection regulations.

The disclosed data may also contain non-disclosable data.

3.1 Non-disclosure of data

Natural persons can choose to prohibit the disclosure of their personal data from the Transport Register for various purposes. Companies and organisations cannot restrict the disclosure of their data for activities other than those involving development and innovation. Prohibiting the disclosure of data does not prevent the disclosure of data to public authorities or companies carrying out statutory duties.

The data disclosed by Traficom may also include data subject to non-disclosure when the disclosee has a legal right to process such data. Data subject to non-disclosure are non-disclosable and must be processed with particular care. The processing of the data must be planned to ensure that the data subject to non-disclosure are only processed when there are legal grounds for the processing.

The disclosed data do not contain data subject to non-disclosure for personal safety reasons.

Data subjects can restrict the disclosure of their data as follows:

- Direct marketing prohibition
Data subjects can impose a so-called direct marketing prohibition on the Transport Register on the basis of Article 21 of the General Data Protection Regulation. This means that the data subject's personal data (name and address) cannot be disclosed for the purpose of direct advertising, distance selling and other direct marketing, market and opinion surveys, public registers or genealogical research. In accordance with the General Data Protection Regulation, a direct marketing prohibition can only be applied to a private person. The prohibition is valid until further notice.

A direct marketing prohibition only prevents data from being disclosed for marketing purposes, such as direct marketing advertisements delivered by post. It does not affect individual queries made to the Transport Register on the basis of individual vehicle identifiers (such as a registration number or vehicle identification number).

- Non-disclosure of data for open interfaces
A holder of a passenger or goods transport licence or a taxi driving licence can prohibit the disclosure of their personal data via open interfaces. The non-disclosure prevents the person's personal data from being displayed in services built on top of open interfaces, such as services allowing customers to search for taxi drivers in their area.
- Non-disclosure of data as an individual release
A person can prohibit the disclosure of their contact information as an individual release. This means that their contact information will not be available in SMS services, for example. However, the person's name and information about their vehicle will still appear in the service.
- Non-disclosure of data for transport-related purposes
Transport-related purposes mean providing and developing transport services; research; address and information services; and updating register data, for example. A person has the right to prohibit the disclosure of their personal data for such transport-related purposes.
- Non-disclosure of data for development and innovation activities
In individual cases, Traficom is allowed to disclose data for development and innovation activities with the objective of developing and providing the transport system and services, increasing awareness and understanding of the transport system and services, improving traffic safety and promoting the achievement of environmental

objectives in transport. Both natural persons as well as companies and organisations have the option of prohibiting the disclosure of their data for development and innovation activities.

3.2 Transfer of personal data abroad

Personal data can be disclosed to European Union (EU) Member States and countries that are part of the European Economic Area (EEA) on the same grounds as they can be disclosed and otherwise processed within Finland. However, the disclosure of personal data abroad may be subject to requirements based on national legislation that must be taken into account when considering the transfer. The secrecy provisions laid down in national legislation must also be taken into account in disclosure.

The transfer of personal data outside of the EU/EEA requires particular consideration and determining the grounds for the transfer. The disclosee must always agree on the transfer of data outside of the EU/EEA separately with Traficom.

3.3 Reporting data breaches

The disclosee must report any potential or actual personal data breaches affecting the disclosed data or any processing of the data in violation of data protection legislation, the terms and conditions of the data permit or these guidelines to Traficom without delay after becoming aware of the breach or violation or the possibility thereof.

The disclosee must provide Traficom with a written description of the data breach without delay. The description must include the details and estimated numbers of affected data subjects and data categories.

4 Grounds for disclosure and assessing the preconditions for disclosure

According to section 230 of the Act on Transport Services, the Finnish Transport and Communications Agency shall, notwithstanding secrecy provisions, have the right to disclose information from the register to another authority or a party responsible for statutory duties if the information is necessary for the performance of their statutory duties.

In addition to the Act on Transport Services, Traficom assesses on the basis of the EU's General Data Protection Regulation and the Act on the Openness of Government Activities whether the disclosure of data can be suspected to violate a person's privacy, interests or rights or national security.

Before disclosing the data, Traficom will assess whether the purpose of use of the data could potentially undermine citizens' trust in the Transport Register. All data to be disclosed must be necessary for the indicated purpose.

5 Service provision

Implementing a service based on data from the Transport Register is contingent on a service description approved by Traficom and a data permit issued by Traficom. The data disclosed for the service may only be used for the purpose for which they were disclosed according to the data permit.

Transferring data from the Transport Register to the disclosee requires the disclosee to enter into a proxy service agreement with a proxy service provider.

The disclosee is responsible for ensuring that the provided service corresponds to the approved service description. Any changes to be made to the service must be updated to the service description and approved by Traficom before being implemented.

As a controller, Traficom is obliged to assess the legality of the data disclosure, which is why Traficom must have up-to-date information on the disclosee. If the owner of a service approved by Traficom is changing, the disclosee must notify Traficom of this in good time before the service is transferred to the new owner. The new owner cannot utilise data disclosed to the disclosee before Traficom has assessed the legality of the disclosure.

Services based on data from the Transport Register must be implemented in a way that preserves the correctness and accuracy of the data from the Transport Register.

Disclosing the disclosed data to third parties from the disclosee's service is prohibited.

The disclosee is responsible for ensuring that its personnel and persons working on its behalf are aware of the terms and conditions by which the disclosed data is processed and that the terms and conditions of the data permit are followed.

The disclosee is allowed to disclose the data disclosed to it to a subcontractor for the purpose of technical processing, provided that the disclosee has obtained approval for the subcontractor from Traficom. The disclosee must ensure that all of its subcontractors are aware of the terms and conditions of the data permit to the same extent as the disclosee. The subcontractors must destroy the data in a reliable and secure manner after they are no longer needed for technical processing.

In accordance with the terms and conditions of the data permit, Traficom will disclose data from the Transport Register to the disclosee for the provision of the service presented in the service description.

The disclosure of the data from Traficom's service is carried out on the basis of a vehicle's registration number and event data.

The disclosee is allowed to use the data disclosed to it only for purposes corresponding to the data permit. The data cannot be disclosed, used or published for any other purposes.

Data from the Transport Register can only be stored in a manner approved in the service description. The disclosee must ensure that the data are deleted after the approved data retention period.

5.1 Reporting the data source

5.1.1 Collection companies

The Finnish Transport and Communications Agency discloses data from the Transport Register to companies engaging in debt collection activities subject to a permit in accordance with section 230 of the Act on Transport Services (320/2017) for the purpose of carrying out statutory duties. The disclosure of data for the purpose of carrying out statutory duties cannot be restricted based on section 231 of the Act on Transport Services.

According to Traficom's requirements, it must be clear to the customer who sent the invoice (the issuer of the invoice and recipient of the payment is the collection company, not its client). In addition, the payment reminder must specify the grounds on which the data was accessed as follows:

Invoice sender: Collection company

Data source: Finnish Transport and Communications Agency, Transport Register

Access to data: Companies engaging in debt collection activities subject to a permit process data based on section 3 of the Act on the Registration of Debt Collectors (411/2018) and the Debt Collection Act (513/1999).

5.1.2 Other parties carrying out statutory duties

When using disclosed name and address data, the disclosee must mention that the data source is Traficom and the Transport Register. When using several different registers as data sources, data obtained from Traficom must be indicated separately.

5.2 Logging

The disclosee must be able to verify who has carried out searches against the Transport Register after the fact. In addition to this, the disclosee must make sure that all data processing is logged in the disclosee's log register and that the processors of the disclosed data can be identified after the fact. The log data must be kept for at least 24 months. Of the log data, the time of the search, the search term and the identifier of the party carrying out the search must be stored.

According to Traficom's requirements, use of the disclosed data must require a personal user account. The disclosee is responsible for access rights management and for keeping access rights up to date.

6 Relevant regulations

The relevant regulations are:

- EU General Data Protection Regulation (2016/679)
- Act on the Openness of Government Activities (621/1999)
- Data Protection Act (1050/2018)
- Act on Transport Services (320/2017)