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# DATA PROTECTION PRACTICES OF THE MINISTRY OF TRANSPORT AND COMMUNICATIONS

## Controller

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## Data Protection Officer

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## 1. General

The data protection practices describe the Ministry's operating principles concerning data protection, as well as implementation of these principles. The practices include a description of how the Ministry processes personal data in compliance with the data protection legislation. These practices and other, more detailed privacy policies fall within the controller's obligation to provide information on the matter.

The purpose of the data protection practices is to show how the Ministry of Transport and Communications protects the rights of public officials and other persons in order to effectively prevent information security breaches. The data protection practices are observed in all activities, and they encompass all public officials employed by the Ministry of Transport and Communications as well as everyone in contact with the Ministry.

## 2. Objective of data protection practices

The objective of the data protection practices is to steer the Ministry's daily activities in the processing of personal data. Another objective is to ensure that the Ministry's operations meet their statutory obligations and the protection of personal data is of a high standard. The Ministry of Transport and Communications strives to safeguard the confidentiality, integrity and availability of personal data processed by it. By using its procedures, the Ministry ensures that no outsider receives access to information that must be kept confidential, that the information held by the Ministry remains unchanged and whole, and that the information is at the disposal of legitimate persons at the desired time. In each case, the Ministry separately assesses the risks that personal data might be exposed to and identifies the measures that it needs to take to control the risks and safeguard the appropriate processing of personal data.

### 3. Legal basis for personal data processing

The Ministry of Transport and Communications processes personal data in order to comply with its legal obligations or, in certain situations, to perform a task carried out in the public interest or in the exercise of official authority vested in the controller. The processing of personal data may also be based on an agreement or consent. Activities of the Ministry of Transport and Communications are guided by various statutes, regulations, instructions and recommendations. The principal statutes steering the activities of the Ministry of Transport and Communications include the Constitution of Finland (731/1999), the Administrative Procedure Act (403/2003) and the Act on the Openness of Government Activities (621/1999), the Government Rules of Procedure (262/2003), the Government Decree on the Ministry of Transport and Communications (405/2003) and the Rules of Procedure of the Ministry of Transport and Communications (1267/2015). In addition, the Ministry's activities are guided by the Act on Information Management in Public Administration (906/2019), the General Data Protection Regulation of the EU (679/2016) and the national data protection legislation.

### 4. Purpose of processing personal data and the personal data collected

For the Ministry of Transport and Communications to be able to carry out the tasks included in its sector, it must process personal data for various purposes as part of its activities.

As an **employer**, the Ministry of Transport and Communications must process personal data on its public officials. This is necessary so that the Ministry can manage its public-service relationships and carry out the associated duties and rights legally and efficiently in the recruitment process, during the public official's employment and at the end of the employment relationship. These include identification data (e.g. name, date of birth, address), data of applicants for public posts (e.g. telephone number, sex, education, work experience, language skills), payment data and other information, such as security clearance data. The categories of persons whose data can be processed are, therefore, applicants for public posts, people in a public-service employment relationship, and persons whose employment relationship has ended. When the Ministry of Transport and Communications is processing personal data of its personnel, the grounds for the processing is to comply with its legal obligations. The processing of the personal data of applicants for a post or a job is based on the applicant's consent.

**Citizens** are often in contact with the Ministry and send questions, requests for documents, letters or feedback to the Ministry. The Registry of the Ministry of Transport and Communications enters all of the incoming mail into the Ministry's case management system. The Registry then directs the contact to the relevant department of the Ministry. The response is given in line with the principles of good governance. The processing is based on meeting the statutory obligations. When a citizen contacts the Ministry, the contact message (usually an email message) is entered into the Ministry's case management system. When answering messages, the Ministry processes only the personal data that citizens have themselves supplied to the Ministry, in principle email address and name. It should be noted that, as a rule, all messages and documents arriving at the Ministry are public by virtue of section 1 of the Act on the Openness of Government Activities.

The Ministry of Transport and Communications processes personal data necessary for **stakeholder activities**. These include the contact details of the representatives of stakeholders and their work email addresses. Data on stakeholders are processed in order to maintain the contact information needed to manage tasks associated with the Ministry's sector. The processing is therefore necessary for the performance of tasks carried out in the public interest and for exercising official authority vested in the controller and for complying with legal obligations. Insofar as stakeholders are concerned, the Ministry only processes personal data that are publicly available or that data subjects have themselves supplied to the Ministry. The Ministry actively aims to identify new stakeholder groups through social media channels, for example. In the identification, such means as social network analysis tools are used. Further information on the stakeholder register of the Ministry of

Transport and Communications is available at the email address [sidosryhmarekisteri\(a\)lvm.fi](mailto:sidosryhmarekisteri(a)lvm.fi). The privacy policy on the stakeholder register is available on the Ministry's website.

The Ministry of Transport and Communications processes personal data when carrying out **procurement procedures in accordance with the Act on Public Procurement and Concession Contracts**. The personal data processed include the data necessary for each procurement process, such as the name, position and email address of the tenderer's representative. The legal basis for the processing is meeting the statutory obligations and a contractual relationship.

The Ministry of Transport and Communications also processes the personal data of various **contracting parties**. The personal data processed are defined in respect of each contract. In this case, the processing is based on an agreement between the Ministry and the contracting party.

**When you visit** the Ministry of Transport and Communications or **attend events** arranged by the Ministry or organised at its premises, the Ministry collects your personal data necessary for the event, such as your name, email address and allergies. The legal basis for processing the personal data is, as appropriate, consent, the compliance with legal obligations and/or public interest. The privacy policy on visits and events is available on the Ministry's website.

In addition, the Ministry processes personal data when handling **subscriptions to press releases**. Subscription to press releases is based on the subscriber's consent. In connection with press release subscriptions, subscribers are asked to provide data on, for example, their email addresses and the language of the press release. The privacy policy for subscribing to press releases is available on the Ministry's website.

In the processing of personal data, the Ministry may use external service providers and their subcontractors. When a service provider processes the personal data of the Ministry of Transport and Communications on behalf of the Ministry, the service provider acts as the processor of personal data. The Ministry of Transport and Communications concludes an agreement with each service provider in order to ensure appropriate processing of personal data. Among other things, the terms require that a service provider complies with the procedures required by the current data protection legislation and with the regulations concerning the processing and protection of personal data, and takes appropriate technical and organisational measures to ensure that the processing meets the requirements of the General Data Protection Regulation and that the rights of the data subject are protected.

## 5. Manners of processing personal data

The Ministry of Transport and Communications collects personal data mainly from data subjects themselves and, in particular as regards stakeholder activities, from public sources of information. The data are processed by the persons responsible for the matter in question as well as by external service providers and their subcontractors. The Ministry has agreed on the processing of personal data with these bodies in accordance with the requirements of the General Data Protection Regulation. The data are not disclosed outside the EU or EEA or to third parties, unless specifically indicated or so required by a legal obligation. Please note that an authority is obliged to forward a document it has received that is beyond its competence to the authority it deems to be competent. The sender of the document shall be informed about the transfer. In processing data, the Ministry adheres to the following principles of the General Data Protection Regulation:

- The Ministry of Transport and Communications **processes personal data lawfully, fairly and in a transparent manner in relation to the data subject**. This means that the Ministry adheres to the General Data Protection Regulation and the Data Protection Act, as well as other regulations on data protection, when processing personal data and generating guidelines on their use. The Ministry ensures that data subjects have access to information on the manners

in which their personal data are processed and on the grounds for doing this. In its activities, the Ministry strives for transparency.

- The Ministry of Transport and Communications collects personal data only for specified, explicit and legitimate purposes and does not process them further in a manner that is incompatible with the original purposes.
- The Ministry of Transport and Communications **ensures that personal data are adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed. The Ministry of Transport and Communications collects and keeps personal data only to the extent necessary.
- The Ministry of Transport and Communications **sees to it that the data are accurate and kept up to date** and takes every reasonable step to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- The Ministry of Transport and Communications **keeps the data** in a form which permits the identification of data subjects **for no longer than is necessary** for the purposes for which the personal data are processed. Storage periods are determined in accordance with the Ministry's information management plan.
- The Ministry of Transport and Communications processes personal data in a manner that ensures the appropriate security of personal data, including **protection against unauthorised or unlawful processing** and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## 6. Rights of data subjects

Under the General Data Protection Regulation, a data subject's rights include:

- Data subjects **have the right to access their personal data. You can obtain access to the data about yourself** that may be kept in the Ministry's databases, for example **by sending a request for information** to the Ministry's Registry at kirjaamo(a)lvm.fi or by filling in the information request form on the Ministry's website and sending it according to the attached instructions.
- The data subject has the **right to demand that the controller**, without undue delay, **rectify any inaccurate or erroneous personal data** concerning the data subject.
- The data subject has the **right to demand that the controller erase the personal data on the data subject** without undue delay if the processing has been based on the data subject's consent or if some of the other grounds referred to in Article 17 of the General Data Protection Regulations apply.
- The data subject has the **right to demand that the controller restrict the processing of the data subject's data** if one of the grounds listed in Article 18 of the Regulation applies, for instance if the data subject contests the accuracy of the personal data.
- The data subject has the **right to receive the personal data concerning him or her, which he or she has provided to the controller**, in a structured, commonly used and machine-readable format and has the right to transmit those data to another controller if the processing is based on consent and the processing is carried out by automated means. The data subject

has the right to have personal data transmitted directly from one controller to another provided this is technically feasible.

- The data subject has, at any time, the **right to object**, on grounds relating to his or her particular situation, to the processing of personal data concerning him or her when the processing is based on the performance of a task carried out in the public interest. The controller shall no longer process the personal data unless the controller can demonstrate that there are compelling legitimate grounds for their processing.
- The data subject has the **right to lodge a complaint to the supervisory authority** if he or she considers that the Ministry of Transport and Communications does not comply with the General Data Protection Regulation.

In order to exercise the rights provided by the General Data Protection Regulation, the data subject should contact the Ministry's Registry. Please note that for ensuring the confidentiality of your data, the Ministry of Transport and Communications must prove your identity.

## 7. Organisation and responsibilities

### *Management*

The management of the Ministry of Transport and Communications has the highest responsibility for data protection in the Ministry. The management's task is to monitor adequate resource allocation for data protection work and the implementation of risk management and internal control. The management is also responsible for ensuring that personal data are protected through adequate means, taking into account appropriate information security.

### *Data Protection Officer*

The Ministry of Transport and Communications has appointed a Data Protection Officer. The Data Protection Officer gives information and advice concerning issues associated with data protection to the Ministry or the processors of personal data and to the officials processing personal data. The Data Protection Officer oversees compliance with the General Data Protection Regulation, the national data protection legislation and the principles of data protection. The Data Protection Officer cooperates with the supervisory authority and acts as the supervisory authority's contact point in issues concerning processing. When carrying out his or her duties, the Data Protection Officer must take due account of the risk inherent in processing, while taking into account the nature, scope, context and purpose of the processing.

The Ministry of Transport and Communications involves the Data Protection Officer sufficiently early in the handling of all issues concerning the protection of personal data. Data subjects can contact the Data Protection Officer in all issues pertaining to the processing of their personal data and the exercise of their rights associated with data protection.

### *Others*

Every official has responsibility, for his or her part, for the implementation of data protection.

## 8. Implementation of data protection

Data protection focuses on how personal data are processed and protected, and how data protection is administered. Information security comprises all information relevant to operations, including personal data. Information security ensures the integrity, availability and confidentiality of the information

that is essential to the Ministry's activities throughout the life cycle of the information, and seeks to ensure that information, systems, services or telecommunications are not exposed to any significant threat. In addition to the Data Protection Officer, the Ministry has also appointed an Information Security Officer.

The data processor maintaining or using information systems and applications is responsible for the implementation of information security for his or her part. The data management system services are produced for the Ministry of Transport and Communications by the Government Centre for Information and Communication Technologies Valtori and its subcontractors. The Ministry's personnel have been trained and instructed with regard to data protection and information security. Other actors are bound to data protection and information security, where appropriate, by guidelines, agreements and training.

The Ministry's management is responsible for the implementation of data protection and information security. The unit's supervisors are tasked with monitoring the implementation of information security and data protection in their own unit. Supervisors are responsible for ensuring that officials have the rights to the necessary information systems and data to the extent required by the task. Supervisors also see to it that changes in tasks are taken into account in user rights. At the end of the service, work or client relationship, the user rights to the systems are removed without delay. Otherwise too, data processing may be restricted or blocked if required by the implementation of data protection or information security.

#### *Protection of personal data*

The Ministry of Transport and Communications protects personal data appropriately through technical and organisational measures. The Ministry also ensures the fault tolerance and data recovery capabilities of its systems.

The Ministry of Transport and Communications uses secure email service when sending documents that are confidential or include special personal data. The Ministry also recommends that the service be used whenever sending such data to it.

Servers and services where personal data are processed are appropriately protected. These protective measures include control of entry and access, firewalls and password protection, which allow only persons authorised by the Ministry of Transport and Communications to access the information stored.

#### *Data protection training for public officials*

Through personnel training and information, the Ministry of Transport and Communications ensures that its public officials have sufficient data protection expertise. New officials in the organisation are familiarised with data protection issues.

#### *Response to information security breaches involving personal data*

The Ministry of Transport and Communications has an operating process for information security breaches. The process explains the tasks and responsibilities of various actors when an information security breach is suspected. In the case of a data breach involving personal data, the Ministry of Transport and Communications has the obligation to notify the supervisory authority within 72 hours of the occurrence of the breach, if the breach can represent a risk to the rights and freedoms of natural persons. Data subjects are informed without undue delay, if the breach is likely to result in a high risk to the rights and freedoms of the data subject. The Ministry of Transport and Communications documents all personal data breaches.

## 9. Joint controllership

When the Ministry of Transport and Communications processes personal data in the Government's shared information systems, the Ministry of Transport and Communications and the Prime Minister's Office are joint controllers. Such shared information systems include:

- the Government case management system VAHVA that stores letters from citizens, requests for information and other contacts:
- the Government intranet Kampus
- the Government's project management tool Gateway to Information on Government Projects
- the Government's service order and management system Virkku
- the EU affairs case management system EUTORI
- the Government electronic decision support system PTJ

The Ministry of Transport and Communications and the Finnish Government Shared Services Centre for Finance and HR are joint controllers in terms of data in the information systems owned by the Services Centre that are necessary in providing financial administration and human resource services and other similar support and specialist services. Such shared information systems include:

- Kieku
- Handi, programme for the digitalisation of the government procurement processes
- M2 travel management service
- Herkkä
- Osaava

The Ministry of Transport and Communications, Transport and Communications Agency Traficom, Transport Infrastructure Agency and the Centre for Economic Development, Transport and the Environment are joint controllers, when the Ministry of Transport and Communications processes personal data within the transport system plan complying with the Act on the Transport System and Highways (503/2005).

The joint controllers have, in cooperation, defined their responsibilities. The joint controllers are responsible for ensuring that personal data are processed in accordance with the European Union's General Data Protection Regulation and applicable national legislation.

The data subject may use his or her rights also in terms of the joint controller in matters described in this chapter.

### Prime Minister's Office

kirjaamo(a)vnk.fi, PO Box 23, FI-00023 Government

### Finnish Government Shared Services Centre for Finance and HR

kirjaamo(a)palkeet.fi

### Finnish Transport and Communications Agency (Traficom)

kirjaamo(a)traficom.fi, PL 320, 00059 Traficom

### Transport Infrastructure Agency

kirjaamo(a)vayla.fi, PL 33, 00521 Helsinki

### Centre for Economic Development, Transport and the Environment

Contact details on ELY Centres' websites