



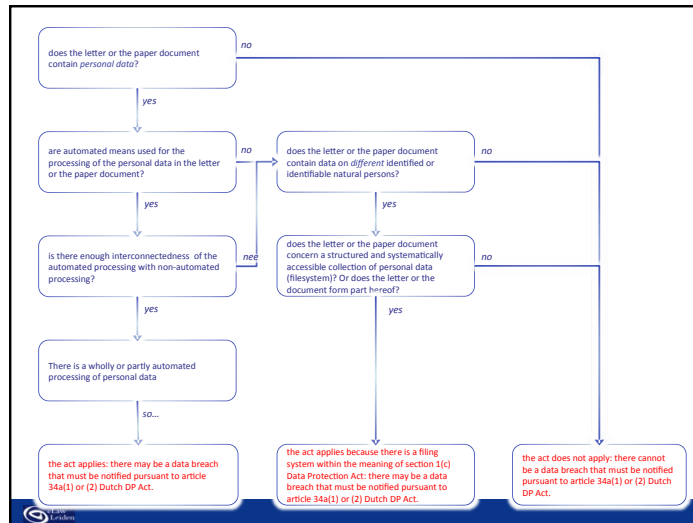
Do lost letters qualify as data breaches? And what about envelopes with creditcard details or court files in garbage containers..?



→ 'an unprecedented data breach...!'

DATE 8 December 2015

GDPR



is a letter that is sent to the wrong address a security breach (article 34a Dutch DP Act)?

And an envelope with credit card details? Garbage bags with court documents..?

WHEN IS THERE **PARTLY AUTOMATED PROCESSING**?

«automated processing»

Article 2 Dutch DP Act

1. This Act applies to the fully or partly automated processing of personal data, and the non-automated processing of personal data entered in a file or intended to be entered therein .

Article 2 GDPR

6. This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

“use is made of means and methods of automated data processing” Parliamentary Documents II 97/98, 25892, no. 3, p. 69

«partly automated processing»

Article 2 Dutch DP Act

1. This Act applies to the fully or **partly automated** processing of personal data, and the non-automated processing of personal data entered in a file or intended to be entered therein .

Article 2 GDPR

6. This Regulation applies to the processing of personal data wholly or **partly by automated means** and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

The distinction between manually or automatically processed data or data to be processed cannot always be sharply made. Parliamentary Documents II 97/98, 25892, no. 3, p. 69

«partly automated»

“combination of processing operations considered as a unity” *Parliamentary Documents II 97/98, 25892, no. 3, p. 51*

“automated data and a manual data collection [are] so [...] interconnected that they must be designated as one” *Parliamentary Documents II 97/98, 25892, no. 3, p. 69*

public opinion
interconnectedness
common destination

Examples:

“a manually kept help file of source documents that has an evidentiary function with respect to the automated data”
“if by means of the automated data access can be obtained to the non-automated file”

Parliamentary Documents II 97/98, 25892, no. 3, p. 69

paper back-up of
digital files (prints of
e-mails)
filing cabinet with
reference index



printed documents

“[p]aper documents printed on a fax machine or by means of a personal computer, if they contain personal data, are governed by the provisions applicable to the non-automated processing of personal data.” *Parliamentary Documents II 97/98, 25892, no. 3, p. 60*

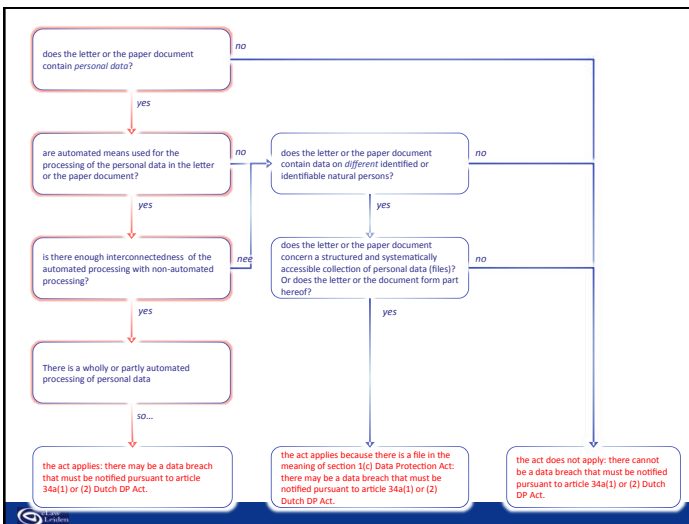
The delivery of a paper letter is no ‘partly automated processing’, just because the letter has been drawn up by means of word processing software...!



search results

Naam / plaats	Reg. nummer	Reg. datum	Categorie
Van Straaten Post B.V. GROENEGAN	20090049	07-08-2009	Aanbieders van postvoerdiensten
De heer C.M. van Roozum h.o.d.n. Stadspost Weesp WEESEP	20090050	07-08-2009	Aanbieders van postvoerdiensten
Dutch Post B.V. WADZONVEEN	20090054	08-09-2009	Aanbieders van postvoerdiensten
De heer A. Winters h.o.d.n. Stadspost Hoogeveen HOOGVEEN	20090061	07-08-2009	Aanbieders van postvoerdiensten
De heer G.A.M. Riep h.o.d.n. Almere Stadspost ALMERE	20090063	07-08-2009	Aanbieders van postvoerdiensten
De heer J.C. van der Vorst h.o.d.n. Sneekpost Lei LEIDERDORP	20090064	07-08-2009	Aanbieders van postvoerdiensten
V.O.F. Regio Post Oost- Drenthe STADSKANAAL	20090066	21-01-2010	Aanbieders van postvoerdiensten
Post & Mail Stellingwerf V.O.F. HEERENVEEN	20090067	07-08-2009	Aanbieders van postvoerdiensten
De heer G.H. Roelstraete h.o.d.n. Stadspost Enter ENTER	20090070	07-08-2009	Aanbieders van postvoerdiensten

Geregistreerde telecom- en postbedrijven



is a letter sent to the wrong address a security breach (art. 34a Dutch DP Act)?

And an envelope with credit card details?

Garbage bags with court documents..?

WHAT IS A **FILING SYSTEM**..?

«non-automated processing»

Article 2 Dutch DP Act

1. This Act applies to the fully or partly automated processing of personal data, and the non-automated processing of personal data entered in a file or intended to be entered therein .

Article 2 GDPR

6. This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

«filing system»

Article 1 Dutch DP Act

(c) any structured set of personal data, regardless of whether or not this data set is centralised or dispersed along functional or geographical lines, that is accessible according to specific criteria *and relates to different persons*

Article 4 GDPR

(6) means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis

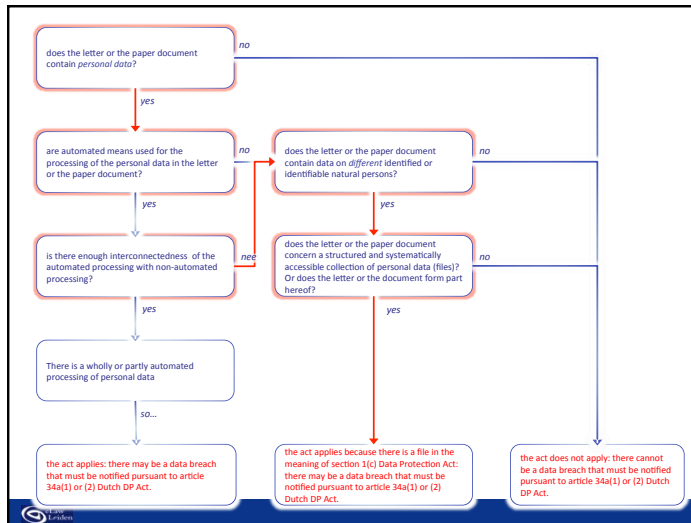
structured & systematically accessible

relates to different data subjects

systematic accessibility

This may concern a systematic composition of the files in accordance with a fixed structure that facilitates the access to the contents of the files or for the use of an automated index to make these files accessible. [...] Files for which such measures have not been taken are [...] not governed by the Dutch DP Act.

This is not altered by the fact that the files are filed in accordance with one single criterion, for example alphabetically or on the date of receipt *Parliamentary Documents II 1998/99, 25892, no. 9, p. 2*



What about 'processing by a natural person in the course of purely personal or household activities'...?

questions?

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