

**International Association of Judges  
2<sup>nd</sup> Study Commission**

**Denmark**

**1. In your jurisdiction is a court considered to be a data controller for data protection law purposes in all, or any, of the following situations:**

**a. When performing its judicial functions?**

Regarding the basic principles:

- Storage limitation
- Processing authorization
- Data minimization
- Correctness
- Treatment security
  - In these instances, the court controls data and is responsible for the data protection, when performing judicial functions in accordance with the rules for data protection (GDPR).

Regarding data subjects' rights:

Obligation to provide information partially, right to rectification and the right to have own data deleted the court is responsible mainly according to the national procedural law.

Regarding data subject's rights:

- Right to limited treatment
- Right to object to processing
- Right to human intervention in automatic decisions
- Right to withdraw consent
- The right to complain about the court being data controller and responsible for data protection, when performing judicial functions in accordance with the rules for data protection.
  - In these instances, the court controls data and is responsible for the data protection, when performing judicial functions in accordance with the rules for data protection (GDPR).

**b. For purposes connected with the administration of justice, including the publication of a judgment or court decision, or a list or schedule of proceedings or of hearings in proceedings?**

Regarding the basic principles:

- Storage limitation
- Processing authorization
- Data minimization
- Correctness and Treatment security

- The court is the controller of data and responsible for data protection, when performing these functions in according to the data protection set of rules.

Regarding data subject's rights:

- Obligation to provide information
- Right to rectification and the right to have own data deleted
- Right to limited treatment
- Right to object to processing
- Right to human intervention in automatic decisions
- Right to withdraw consent
- The right to complain
  - The court is the controller of data and responsible for data protection, when performing these functions in according to the data protection set of rules.
- **c. For purposes connected with the efficient management and operation of the courts and for statistical purposes?**

Same answer as in section b.

**2. In your jurisdiction does a data subject (e.g. a party to litigation, a witness, or a party whose interests may be affected by the litigation) have a right to information regarding the processing of their personal data by or on behalf of the courts?**

Yes – regulated by the supplementary rules in The Data Protection Act. The Data Protection Act applies alongside the Data Protection Regulation.

**3. In your jurisdiction does a data subject whose personal data is published in a court document such as a judgment, have the right to seek rectification of allegedly inaccurate or inappropriately disclosed personal data?**

Yes – both by procedural law and the data protection acts.

**4. In your jurisdiction is personal data contained in a judgment or decision of a court, or in a list or schedule of proceedings or hearings, generally made accessible to the public? If so, are there exceptions and what are they? If not, is there a redaction requirement, or alternative requirement, to be implemented before a judgment / list /schedule can be published so as to safeguard the rights of data subjects?**

The judgments are made accessible to the public but there are limitations regarding personal information contained in the judgments. When public access to judgments is requested, sensitive personal information is removed from the document before it is handed over. There may be medical information that is important for the outcome of the verdict, which is included. But if this is

necessary, the court tries to remove the name of the defendant or witnesses, so that the sensitive information cannot be traced back to the person.

The defendant's name is not published on lists on the court's website of legal proceedings.

When court documents are published either on the court's website or otherwise made available to the public, the parties of the case are fully anonymized.

**5. How are complaints addressed in your jurisdiction concerning alleged breaches by the courts of the rights of data subjects? Does your jurisdiction have a person or body with special responsibility for the supervision of data processing operations of courts when acting in their judicial capacity?**

Yes, data breaches are reported to the court's data controller after the head of department in the department that committed the breach has stopped the breach and informed the parties of the case immediately by telephone and via digital mail. The data breach is assessed by the data controller, after which it is reported to The Court Administration (Domstolsstyrelsen), which ensures that the court has handled the matter correctly.

**6. In your experience have data protection rules impacted adversely on your judicial independence? If so, how have they done so?**

There is a certain additional workload associated with documentation that the rules are complied with, which must be able to be presented if there is an inspection at court by a data controller, but apart for that there is no impact.