



## Privacy Policy Evaluation

CyberSterk

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Author

Privacy Board

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### Policy

Title of policy

CyberSterk

Policy start date

01 October 2019

Date of evaluation

07 October 2019

### Purpose limitation

GDPR applicable?

Will any personal data be processed? Will personal data be processed on an automated or semi-automated basis, or will personal data contained in a file be processed manually?

Yes  No

Why?

*The Privacy Board considers that the project will involve the processing of personal data. Provision of the CyberSterk service involves the processing of data regarding subscribers and their networks. The processed data may include information about identified or identifiable natural persons.*

*Automated processing of personal data included in a file is also carried out. Hence, the GDPR may be deemed applicable.*

Purpose

The purpose must be specific, explicitly defined and legitimate.

Is the purpose specific, explicitly defined and legitimate?

Yes

No, insofar as



*The data is collected to enable provision of the CyberSterk service. The Privacy Board considers that the purpose is explicitly defined.*

#### Legitimate basis

The evaluation must address the proportionality and subsidiarity of the processing (i.e. whether the interest served by processing is important enough to justify any resulting loss of privacy, and whether the purpose could be served by any other, less intrusive means).

Is the legitimate basis clear?

- Yes  
 No

*The Privacy Board considers that 'contract fulfilment' constitutes a legitimate basis for the processing of data concerning the subscriber. Processing of the personal data in question is necessary for provision of the CyberSterk service. The Privacy Board further considers that 'reasonable interest' constitutes a legitimate basis for the processing of data concerning personnel working for subscribers and agents.*

#### Safeguards and control measures

##### Purpose limitation

Are there adequate safeguards to ensure that personal data is not used for purposes other than that for which it was obtained?

- Yes  
 No

*The Privacy Board considers that SIDN (Business B.V.) is in compliance with the GDPR, insofar as data processing agreements have been closed with all data processors. Under those agreements, data processors are allowed to use the personal data covered by the privacy policy only on behalf of SIDN (Business B.V.). Moreover, the only SIDN personnel with access to the data are those who require access in order to carry out their duties in connection with provision of the CyberSterk service. SIDN instructs the staff in question on handling personal data. Furthermore, access is given only to personnel who can provide a Certificate of Good Behaviour.*

##### Retention Period

Is personal data retained for any longer than necessary for the defined purpose?

- Yes, data is retained for longer than necessary; corrective measures required.  
 No



*No personal data is retained for longer than necessary for provision of the CyberSterk service, with the exception of certain data that SIDN Business B.V. is legally required to retain for longer. The Privacy Board accordingly considers that the personal data will not be retained for any longer than necessary for the defined purpose.*

#### Data set limitation

Is the entire data set necessary for the defined purpose, or could a more limited data set be used?

- Yes  
 No; corrective measures required.

*The Privacy Board believes that the data set used is the minimum required for the fulfilment of the defined purpose of the processing. The data in question is necessary for provision of the CyberSterk service.*

#### Data reliability

What is done to ensure that the gathered data is accurate?

*Some of the data is provided by subscribers themselves. The remaining data is collected by data processors commissioned by SIDN to enable provision of the CyberSterk service. Data processing agreements have been made with the data processors in question, which include provisions regarding the handling of requests made by data subjects in connection with the right to rectification. Finally, security measures are in place to minimise the risk of unauthorised data modification.*

#### Data processors

Who processes the data? Who else has access to the data?

*SIDN personnel (IT, Support, analysts and Marketing) process the data insofar as necessary for optimal provision of the CyberSterk service. Data is also processed by data processors commissioned by SIDN Business B.V. to enable provision of the CyberSterk service.*

#### Data security

How is the data protected against loss and unauthorised processing?

*The personal data is processed on SIDN's systems by SIDN personnel, and is protected by general security measures. The personal data is to be processed by the commissioned data processors in accordance with the applicable provisions of the data processing agreements. The Privacy Board accordingly considers the data security measures to be adequate.*

#### Other

Special personal data Is any special personal data processed?



- Yes  
 No

*The Privacy Board considers that no special personal data is processed.*

**Inclusion in register**

Is the processing recorded in the Processing Register?

- Yes  
 No

**Subjects' rights**

If the personal data is not obtained from the subjects, but by other means, is the origin recorded?

- Yes  
 No

**Inclusion in register**

Is the processing recorded in the Processing Register?

- Yes  
 No

**Subjects' rights**

If the personal data is not obtained from the subjects, but by other means, is the origin recorded?

- Yes  
 No

*Some of the personal data is obtained from the data subjects, who provide their contact details and details of the devices and networks to be scanned. Scanned network traffic may contain personal data regarding third parties, to which Article 14 of the GDPR applies.*

**Retention within EU**

Is any data transferred to a country outside the EU?

- Yes  
 No

**Conclusion**

**Evaluation**

What is the conclusion of the Privacy Board's evaluation?

*The Privacy Board approves the Privacy Policy for CyberSterk.*