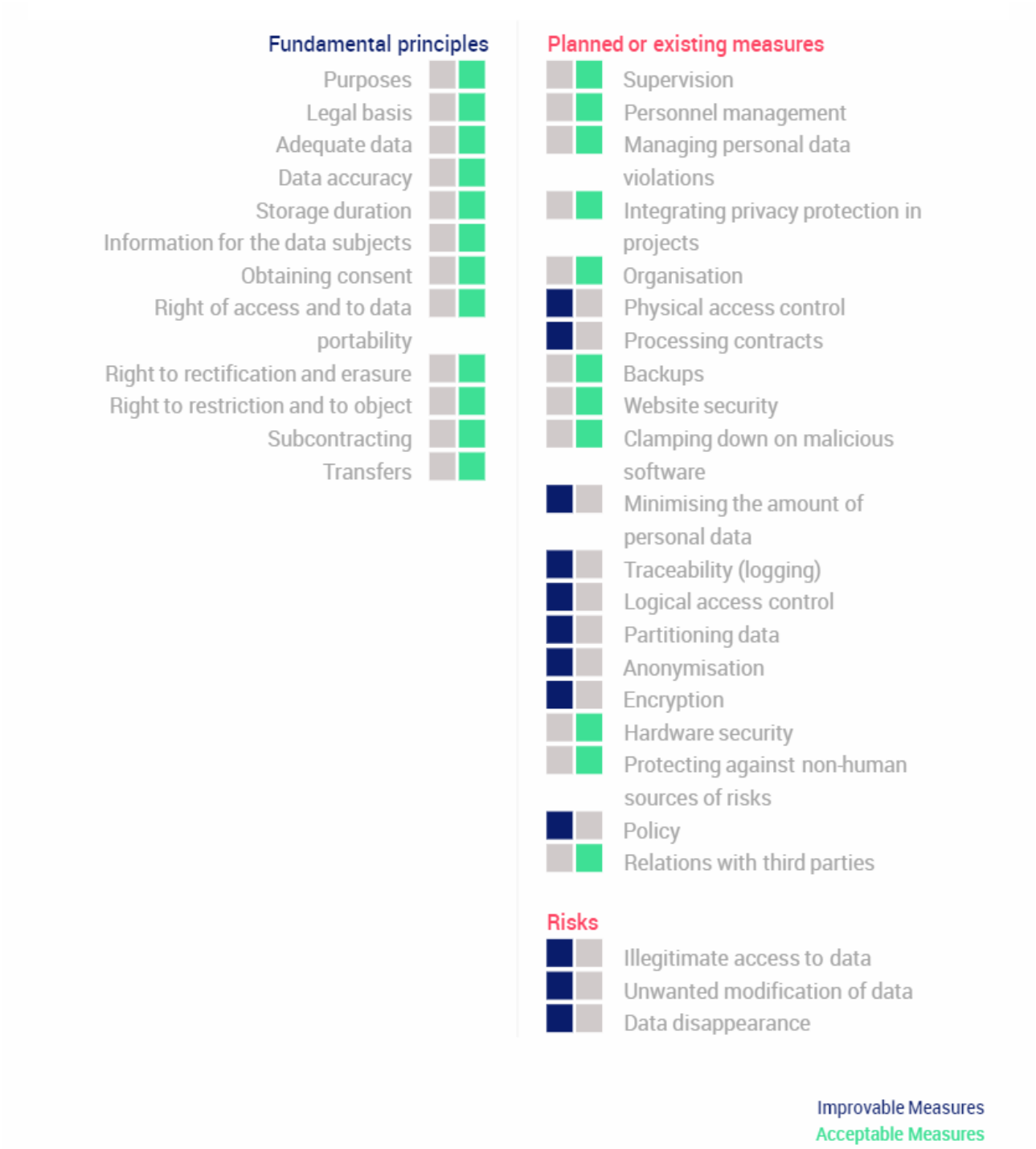
Privacy Impact Assessment

Version 0.3 – October 18th, 2020

Overview[1,2]



1 Based on a debug version of the App submittet on september 23th 2020.

2 Performed in accordance to GDPR Art. 35 and with help of the open source software and guidelines published by the French Commission nationale de l'informatique et des libertés (CNIL).
Reference : https://www.cnil.fr/en/open-source-pia-software-helps-carry-out-data-protection-impact-assesment

Part 1 – Context

1.1 – Overview

What is the processing under consideration?

Stiching Onderzoek Marktinformatie (SOMI) will launch an App that aims to exercise the rights of data subjects refferend to in Articles 15, 16, 17, 18, 19 and 20 of the GDPR, to represent the data subject as in exercising the rights referred to in Articles 77, 78 and 79, and to exercise the right to recieve compensation referred to in Article 82.

What are the responsibilities linked to the processing?

Stichting Onderzoek Marktinformatie (SOMI) is the data controller.

Dotswan, Stichting Bewaarder, Shufti Pro and Mihos.net are data processors for SOMI.

Are there standards applicable to the processing?

Not applicable

Evaluation : Acceptable

1.2 – Data, processes and supporting assets

What are the data processed?

The categories of data processed are:
- Account information (email, password, account #) collected when the user makes an account;
- Contact information (fist and last name, adress, phone number, e-mail adress);
- Personal identification information (copy of national ID card) in order to exerice the rights of data subjects;
- Payment information and related data in orde to provide goods and services and/or to manage user rights (bank account number, statements, contracts, etc;
- Analytical data about activities using the app (login, IP, tabs accessed, time spent, etc);
- Data provided by third parties when the data subjects explicitly asks us to exercise his/her right of access;
- Data collected about the data collected from third parties when the data subjects explicitly asks of to perform analysis of the data provided;
- Meta data regaring the rights the user has exercised;
- Other data that the data subjects actively provide to us, for example in correspondece when asking for support;

The maxiumum period the data will be stored:
- Data regariding activities on the app and will be stored for a maximum of 12 months;
- Contact information and data that data subjects actively provide to us will be stored for a maximum of 36 months after the last contact between the data subject and the data controller;
- Contracts, data regarding payments and invoices are stored 10 years in order to comply with our legal responsibilities;
- All personal data collected from third parties will be deleted at the simple request of the user or ultimaly after the experation of the user account (after 36 months of inactivity);

The persons with access to this data:
- Only the technical support staff of SOMI and mentioned data processors will have access to the data;
- All data collected from third parties will be automatically encrypted when processed. Any further processing will require the data subject to provide a unique password;

How does the life cycle of data and processes work?

See attachement :
- SOMI App Puchache Workflow

Evaluation : Acceptable

Part 2 – Fundamental principles

2.1 – Proportionality and necessity

Are the processing purposes specified, explicit and legitimate?

SOMI processes personal data for the following purposes :
- Identifying and investigating for a long-term perspective issues of social importance, in particluar those relating to market information;
- Informing, educating and advising consumers, government agencies, policy or opinion makers, agents, advisers and experts, regulators and market parties;
- Promoting interests, taking actions and claiming compensation of its affiliated or registered persons, legal entities, injured parties, poxy or clients or participants;
- Providing support to other natural or legal persons who stand up in any way for those on behalf of which the foundation conducts research or takes action;
- Entering into, elaborating and executing agreements on behalfs of the person on behalf which the foundation acts;

The data collected in the contetext of the App purposly aims to exercise the rights of data subjects as refferend to in Articles 15, 16, 17, 18, 19 and 20 of the GDPR, to represent the data subject as in exercising the rights referred to in Articles 77, 78 and 79, and to exercise the right to recieve compensation referred to in Article 82.

Evaluation : Acceptable

What are the legal basis making the processing lawful?

SOMI proceses personal data on the basis of the following principles :
- Identification data, account information and data collected from third parties are always processed on the basis of the informed and expliciet consent of the data subject;
- Functional and analytical data about the behavior of data subjects in the app are processed on the basis of the legimitate interest of our organisation;
- Data necessarty to be able to provide goods and services are collected where necessary for the performance of a contract or in order to take steps at the request of the data subject prior to entering into a contract;
- Certain speficif categories of personal data (eg. citizen service number or copy ID) are processed to the extent this is strictly necessary for the establishment, exercise or defense of legal claims;
- Certain data about payments, invoices, agreements, statements, etc. are kept for a longer period of time to the extent that we are legally obliged to do so;

The App does not aim to process special categories of personal data, such as data

revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

However, while collecting data from third parties it could happen that such data is processed. Therefore, such data will only be processed based on the explicit consent of the data subject to the processing this data for the specified purpose of exersising his/her rights as a data subject.

If analysis reveals such special categories of data are beïng processed, the user will be given the option of permanently deleting these categories of data.

Evaluation : Acceptable

Are the data collected adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')?

- Account information, functional data and analytical data related to activities in the App are stricly necessary in order to create a functional and user-frienly interface for the data subject;
- Contact information and data that the data subjects actively provide to us are stricly necessary in order to to communicate with the user regaring functionalities of the app and to provide support whenever requested;
- Personal identification information (eg. copy of national ID card) whill be collected where strictly necessary in order to exercise the rights of data subjects;
- Payment information, contracts, invoices and related data are strictly necessary in order to provide goods and services to the data subjects. In order to comply with tax and anti money laundering legislation some data must be kept for a longer period of time;
- Meta data regarding the rights the user has excercised is strictly necessary in oder to excersise the rights of data subjects and to create a functional user experience;
- Data provided by third parties and any analysis of this data will only be processed when the user explicily asks us to do so. This data will be collected whenever stricly necessary in order to exercise the rights of the data subjects (eg. right of access);

Evaluation : Acceptable

Are the data accurate and kept up to date?

Data provided by the data subjects will be periodically reviewed and kept up to data.

Data provided by third parties will only be reviewed on the basis of the explicit and

informed consent of the user. SOMI is therefore not responsible for the quality or accuracy of the data provided by third parties.

Evaluation : Acceptable

What are the storage duration of the data?

The maxiumum period the data will be stored:
- Data regariding activities on the app and will be stored for a maximum of 12 months. This period is justified in order to make annual statistics an periodically review the workflow of the App;
- Contact information and data the data subjects actively provide to us will be stored for a maximum of 36 months after the last contact between the data subject and the data controller. This period is justified in order to engage with data subjects regaring any querries and/or follow up any support questions. After 36 months of inactivity (and serveral notifications) the account and collected personal data will be automatically deleted;
- Contracts, data regarding payments and invoices are stored 10 years in order to comply with our legal responsibilities. This period is necessary in order to comply with applicable anti money laundering and tax law;
- All personal data collected from third parties will be deleted at the simple request of the user or ultimaly after the experation of the user account (after 36 months of inactivity). This period is justified on the basis of allowing the user to use collected data to exercise further rights (such as data portability or file complaints with the data portection authorities);

Evaluation : Acceptable

2.2 – Controls to protect the personal rights of data subjects

How are the data subjects informed on the processing?

The privacy statement of SOMI is published on the website www.somi.nl and will be directly accessible from the App.

Evaluation : Acceptable

If applicable, how is the consent of data subjects obtained?

When signing up, the explicit and informed consent of the data subjects will be asked. Whenever the data subject requests to process data collected from third parties, explicit and informed consent will a asked again.

Evaluation : Acceptable

How can data subjects exercise their rights of access and to data portability?

Data subjects can make a request for data access and data portabilily by sending an email to privacy@somi.nl

Evaluation : Acceptable

How can data subjects exercise their rights to rectification and erasure?

Data subjects can make a request for data rectification and data erasure by sending an email to privacy@somi.nl
Also, in the App functionalities will be added to permanently delete any data gathered from third parties.

Evaluation : Acceptable

How can data subjects exercise their rights to restriction and to object?

Data subjects can make a request for restriction and to object by sending an email to privacy@somi.nl

Evaluation : Acceptable

Are the obligations of the processors clearly identified and governed by a contract?

SOMI will ensure data processing agreements with all data processors.

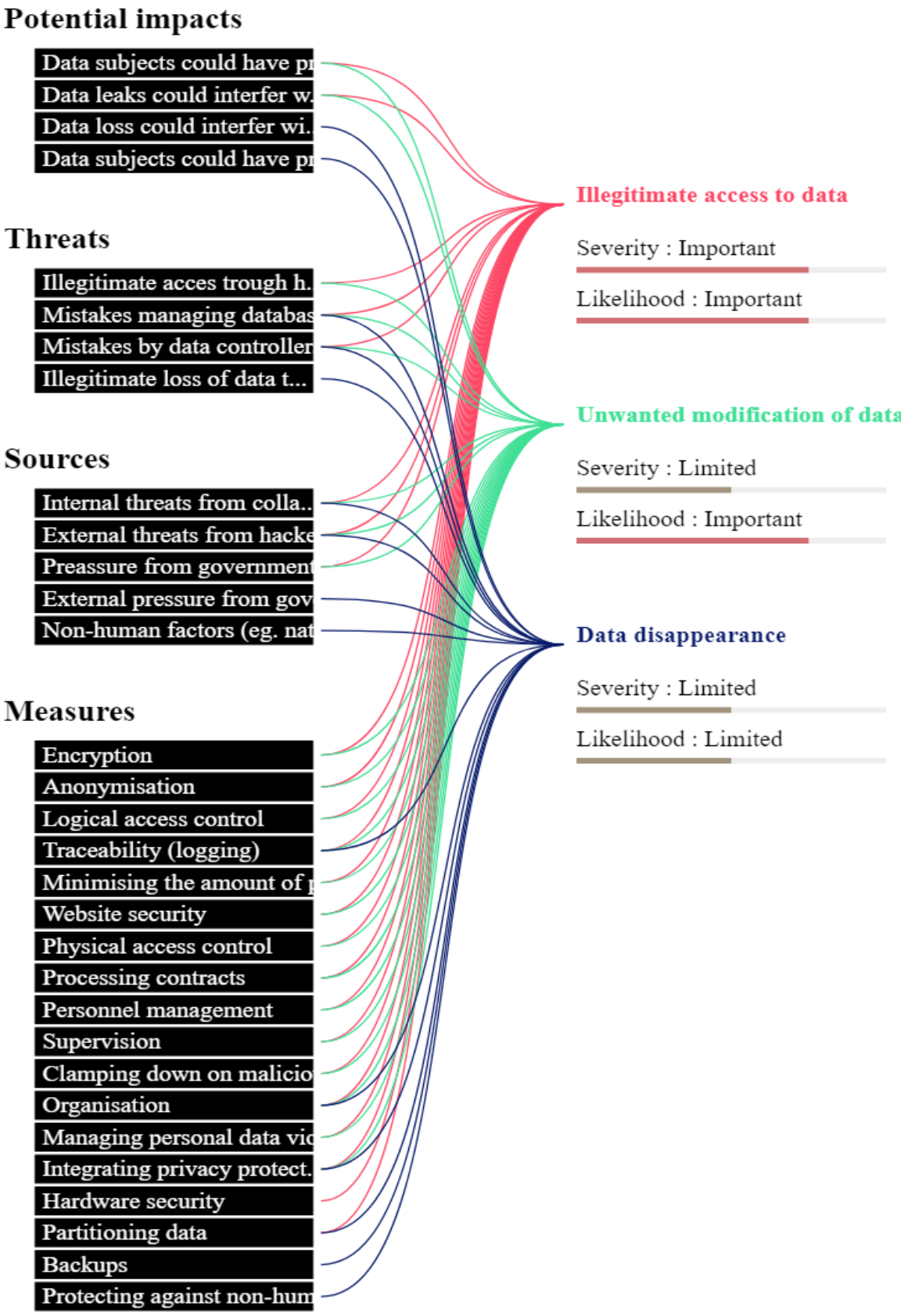
Evaluation : Acceptable

In the case of data transfer outside the European Union, are the data adequately protected?

All data will be stored in data warehouses located within the European Union. Whever third party SDK's are beïng used or (analytical) data is shared with data processors outside the EU, the data transfer will be protected by Standard Contractual Clauses (SCC's).

Evaluation : Acceptable

Part 3 – Risk assessment



3.1 – Planned or existing measures

Supervision

The controller and data protection officer work closely together in order to monitor the effectiveness and adequacy of privacy controls. All new versions of the app wil be subject to review by the data protection officer.

Evaluation : Acceptable

Personnel management

Only personel with relevant assignments will be given access to personal data. All personel that comes into contact with personal data will be subject to a confidentiallity agreement and informed about the responsibilities towards the rights of data subjects.

Evaluation : Acceptable

Managing personal data violations

IT incidents and/or data breaches are logged in an internal incident register. For each incident, a severity impact assessement is performed and adequate measures to control, prevent and mitigate futher incidents are implemented in close collaboration with management.

Evaluation : Acceptable

Integrating privacy protection in projects

For each important new project, a data protection impact assessement is made in close collaboration with management and IT support staff.

Evaluation : Acceptable

Organisation

SOMI is data controller and an independent Data Protection Officer has been appointed. Information security and data protection are discussed on a regular basis with all relevant parties within the organisation.

Evaluation : Acceptable

Physical access control

Access to the offices of SOMI is restriced to outsiders and controlled trough use of an

intercom with a camera.

Evaluation : Improvable
Action plan / corrective actions :
Visitors who could have access to personal data should always be accompanied by an employee of SOMI.

Processing contracts

All data processors are required to sign data processing agreements. These contracts stipulate, in particular, measures regaring Article 32 (Security of processing), conditions regaring engaging sub-contractors and complaince with obligations regarding personal data breaches, data protection impact assessements and prior consultation.

Evaluation : Acceptable

Backups

Daily backups are made of all production data. Weekly backups of the entire database are stored at an external location (within the EU).

Evaluation : Acceptable

Website security

Anually, an external security audit of the website is performed. Adequate steps in order to improve security are discussed and implemented in close collaboration with management and IT support staff.

Evaluation : Acceptable

Clamping down on malicious software

Anti-malware software is installed on all workstations and servers with access to personal data.

Evaluation : Acceptable

Minimising the amount of personal data

SOMI aims to collect minimal data in order to achieve the stated purposed. Serveral measures have been taken in order to minimise the data collected :
- When asking for user identification, the user is requested to erase all special categories of data such as the photo, citizen service number and machine readabable zone. The user is recommended to use the 'Kopie ID' App provided by the Dutch

Government in order to make a safe copy of his/her identification document.
- When collecting data from third parties, the data is automatically encrypted when first processed by SOMI. The user must provide explicit consent and his/her unique passphrase in order for any further processing of personal data to take place.
- After a period of inactivity, all collected personal data is automatically deleted (except data we are legally obliged to keep for a longer period of time).

Evaluation : Improvable

Action plan / corrective actions :

In the current version, the App requests a full copy of the National ID for ID verfication (cf. app purachase workflow). When asking for a copy of the National ID, the data subject should be requested to black out passport photo, passport number, national ID number and Machine Readable Zone in this copy or photo.

Traceability (logging)

Currently, default logging of user activities is enabled on the server.

Evaluation : Improvable

Action plan / corrective actions :
All activities on the server should be logged in order to allow for digital forsensics in case of a data breach.

Logical access control

Currently, access to the database is limited to a very small number of people.

Evaluation : Improvable

Action plan / corrective actions :
Clear roles and permissions for users with access to the database should be defined.

Partitioning data

Currently, no partintioning of data is planned.

Evaluation : Improvable

Action plan / corrective actions :
Partitioning measures should be implemented in order to prevent the entire database beïng leaked in case of a single security breach.

Anonymisation

Currently, no anonymistation mechanisms have been implemented.

Evaluation : Improvable

Action plan / corrective actions :
Sensitive user information should be anonymised.

Encryption

All data 'in transfer' is encrypted using SSL. Currently, no additional encryption measures of the data 'at rest' have been implemented.

Evaluation : Improvable

Evaluation comment :
In future versions of the App, all data collected from third parties should be encrypted using a strong algorithm (AES-256) and complex user-generated key that is not available to the data controller. Whenever the data collected from third parties is processed, the data subject should be asked to give his/her user-generated key.

Hardware security

No data is stored on interal systems.

External systems are secured :
SECURITY
• Security: 24x7 staffed
• Cameras: HD infrared cameras
• Access control: badge and fingerprint system CERTIFICATIONS
• ISO Certified
ISO 9001:2015
ISO 27001:2013
• PCI DDS compliant

Evaluation : Acceptable

Protecting against non-human sources of risks

All data is stored on mihos.net servers.
These include the following measures :
POWER
• Rack feeds: separated A and B feed (32A)
• Diesel stock: 48+ hours, refillable during use
• UPS: 15+ minutes runtime

• Redundancy: N+2
COOLING
• Constant temperature: 21 Celsius
• Humidity: 50% (+/- 20%)
• Redundancy: N+2
FIRE PREVENTION
• Fire detection system: VESDA
• Fire suppression system: Argonite gas
• Redundancy: N+1

Evaluation : Acceptable

Policy

The data controller has been subject to an external GDPR audit and is in the process of implementing measures. All data processing activities are logged in an internal register of data processing activities.

Evaluation : Improvable

Action plan / corrective actions :
Based on this Data Protection Impact Assessment, an information security plan should be rolled out prioritising the measures stipulated in the action plan (cf. infra).

Relations with third parties

All third party relations who could come into contact with personal data are required to sign a non-disclosure agreement.

Evaluation : Acceptable

3.2 – Risks

Illegitimate access to data

What could be the main impacts on the data subjects if the risk were to occur?

Data subjects could have private information shared with third parties. This could lead to moral as wel as material damages for the data subjects., Data leaks could interfer with the exercisisng of the rights of data subjects

What are the main threats that could lead to the risk?

Illegitimate acces trough hacking, Mistakes managing databases by collaborators, Mistakes by data controllers

What are the risk sources?

Internal threats from collaborators, External threats from hackers or interrested parties, Pressure from government agencies

Which of the identified planned controls contribute to addressing the risk?

Encryption, Anonymisation, Logical access control, Traceability (logging), Minimising the amount of personal data, Website security, Physical access control, Processing contracts, Personnel management, Supervision, Clamping down on malicious software, Organisation, Managing personal data violations, Integrating privacy protection in projects, Hardware security, Partitioning data

How do you estimate the risk severity, especially according to potential impacts and planned controls?

Important, insufficient control measures have been taken to mitigate and/or control the risk of illegitimate access to data.

How do you estimate the likelihood of the risk, especially in respect of threats, sources of risk and planned controls?

Important, insufficient control measures have been taken to mitigate and/or control the likelihoo of illegitimate access to data.

Evaluation : Improvable

Action plan / corrective actions :
Accoring to the available information, additional measures are needeed to properly meet the requirements for protection the data.
Taking into account the action plan, how do you re-evaluate the seriousness of this risk (Illegitimate access to data)? **Limited**
Taking into account the action plan, how do you re-evaluate the likelihood of this risk (Illegitimate access to data)? **Limited**

Unwanted modification of data

What could be the main impacts on the data subjects if the risk were to occur?

Data subjects could have private information shared with third parties. This could lead to moral as wel as material damages for the data subjects., Data leaks could interfer with the exercisisng of the rights of data subjects

What are the main threats that could lead to the risk?

Illegitimate acces trough hacking, Mistakes by data controllers, Mistakes managing databases by collaborators

What are the risk sources?

External threats from hackers or interrested parties, Internal threats from collaborators, Preassure from government agencies

Which of the identified controls contribute to addressing the risk?

Supervision, Personnel management, Managing personal data violations, Integrating privacy protection in projects, Organisation, Physical access control, Processing contracts, Website security, Clamping down on malicious software, Minimising the amount of personal data, Traceability (logging), Logical access control, Anonymisation, Encryption

How do you estimate the risk severity, especially according to potential impacts and planned controls?

Limited, Aquequate control measures have been taken to mitigate and/or control the risk of unwanted modification of data.

How do you estimate the likelihood of the risk, especially in respect of threats, sources of risk and planned controls?

Important, insufficient control measures have been taken to mitigate and/or control

the risk of unwanted modification of data.

Evaluation : Improvable

Action plan / corrective actions :
According to the available information, insufficient measures have been taken to migitale and/or control the risk of modification of data.
Taking into account the action plan, how do you re-evaluate the seriousness of this risk (Unwanted modification of data)? **Limited**
Taking into account the action plan, how do you re-evaluate the likelihood of this risk (Unwanted modification of data)? **Limited**

Data disappearance

What could be the main impacts on the data subjects if the risk were to occur?

Data loss could interfer with the exercisisng of the rights of data subjects, Data subjects could have private information lost

What are the main threats that could lead to the risk?

Illegitimate loss of data trough hacking, Mistakes by data controllers, Mistakes managing databases by collaborators

What are the risk sources?

External threats from hackers or interrested parties, Internal threats from collaborators, External pressure from government agencies, Non-human factors (eg. natural disasters)

Which of the identified controls contribute to addressing the risk?

Integrating privacy protection in projects, Organisation, Backups, Traceability (logging), Partitioning data, Protecting against non-human sources of risks

How do you estimate the risk severity, especially according to potential impacts and planned controls?

Limited, Aquequate control measures have been taken to mitigate and/or control the risk of disappearance of data.

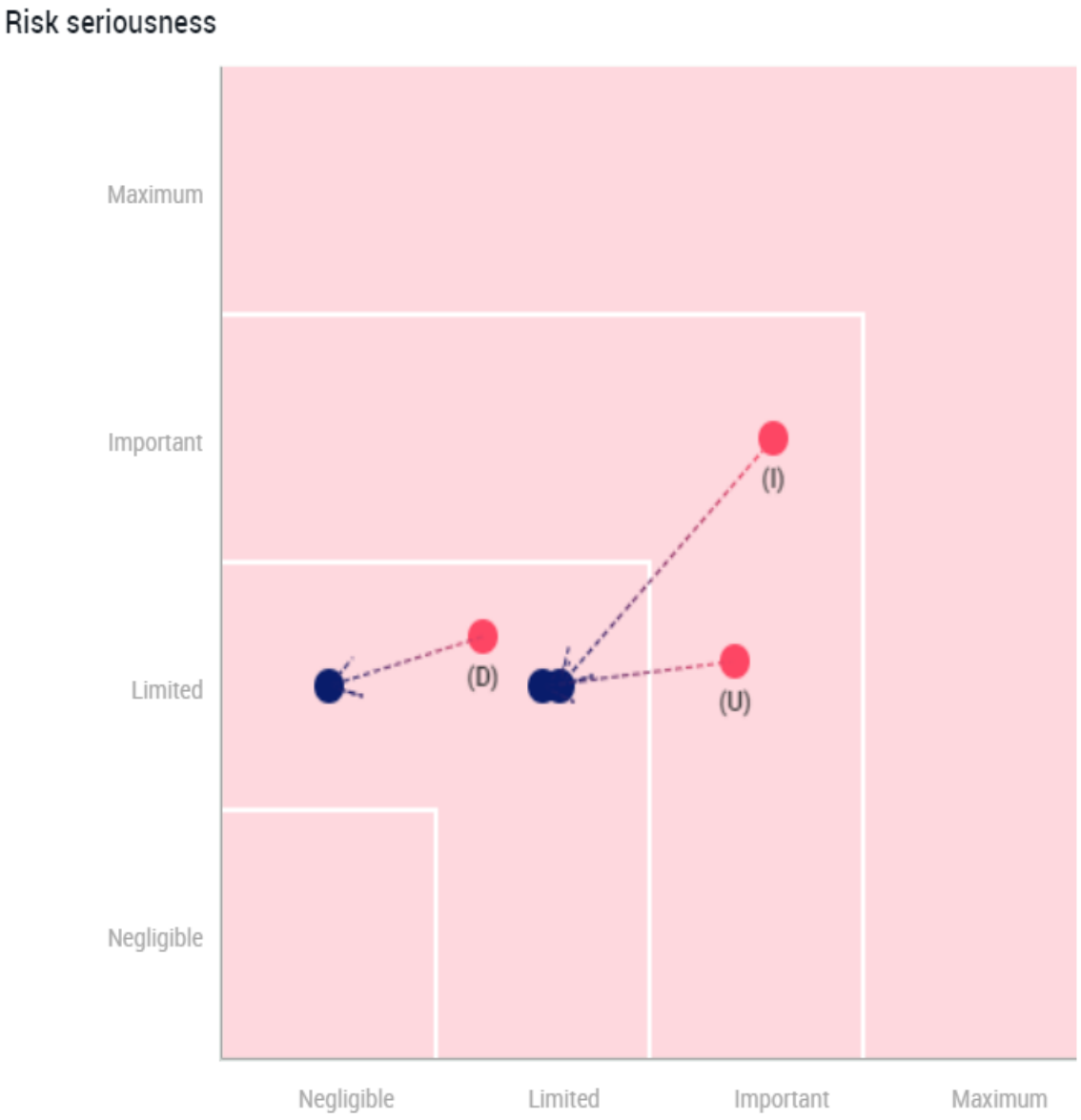
How do you estimate the likelihood of the risk, especially in respect of threats, sources of risk and planned controls?

Limited, Aquequate control measures have been taken to mitigate and/or control the likelihood of disappearance of data.

Evaluation : Improvable

Action plan / corrective actions :
According to the available information, adquequate measures have been taken to migitale and/or control the risk of data disappearance.
Taking into account the action plan, how do you re-evaluate the seriousness of this risk (Data disappearance)? **Limited**
Taking into account the action plan, how do you re-evaluate the likelihood of this risk (Data disappearance)? **Negligible**

3.3 Risk mapping



- Planned or existing measures
- With the corrective measures implemented
- (I)llegitimate access to data
- (U)nwanted modification of data
- (D)ata disappearance

09/09/2020

Risks - Illegitimate access to data

Action plan / corrective actions :
Accoring to the available information, additional measures are needeed to properly meet the requirements for protection the data.

Taking into account the action plan, how do you re-evaluate the seriousness of this risk (Illegitimate access to data)? **Limited**

Taking into account the action plan, how do you re-evaluate the likelihood of this risk (Illegitimate access to data)? **Limited**

Risks - Unwanted modification of data

Action plan / corrective actions :
According to the available information, adquequate measures have been taken to migitale and/or control the risk of modification of data.
Taking into account the action plan, how do you re-evaluate the seriousness of this risk (Unwanted modification of data)? **Limited**
Taking into account the action plan, how do you re-evaluate the likelihood of this risk (Unwanted modification of data)? **Limited**

Risks - Data disappearance

Action plan / corrective actions :
According to the available information, adquequate measures have been taken to migitale and/or control the risk of data disappearance.
Taking into account the action plan, how do you re-evaluate the seriousness of this risk (Data disappearance)? **Limited**
Taking into account the action plan, how do you re-evaluate the likelihood of this risk (Data disappearance)? **Negligible**

3.4 – Action plan

Existing or planned measures

Physical access control

Action plan / corrective actions :
Visitors who could have access to personal data should always be accompanied by an employee of SOMI.

Minimising the amount of personal data

Action plan / corrective actions :
In the current version, the App requests a full copy of the National ID for ID verfication (cf. app purachase workflow). When asking for a copy of the National ID, the data subject should be requested to black out passport photo, passport number, national ID number and Machine Readable Zone in this copy or photo.

Traceability (logging)

Action plan / corrective actions :
All activities on the server should be logged in order to allow digital forsensics in case of a data breach.

Logical access control

Action plan / corrective actions :
Clear roles and permissions for users with access to the database should be defined.

Partitioning data

Action plan / corrective actions :
Partitioning measures should be implemented in order to prevent the entire database of beïng leaked in case of a single security breach.

Anonymisation

Action plan / corrective actions :
Sensitive user information should be anonymised.

Encryption

Action plan / corrective actions :
All data collected from third parties should be encrypted using a strong algorithm (AES-256) and complex user-generated key that is not available to the data controller. Whenever the data collected from third parties is processed, the data subject should be asked to give his/her user-generated key.

Policy

Action plan / corrective actions :
Based on this Data Protection Impact Assessment, an information security plan should be rolled out prioritising the measures stipulated in the action plan (cf. infra).

Part 4 – Validation

DPO opinion

DPO's name

Koen Hostyn

koen@privacyforall.be

DPO's opinion

Adequate measures have been taken to ensure data subjects' rights and freedoms using the current version of the App. Additional measures and an action plan have been formulated to provide additional safeguards when subsequent versions of the App (with additional features) will be launced.

Search of concerned people opinion

A debug version of the App was submitted to a number of peers of SOMI for feedback, however a concened people opnion consultation has not been performed.

Any additional questions or concerns can be submitted to privacy@somi.nl