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Personal Data File Act

30 April 1987/471

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Personal Data File Act

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Chapter 1

General provisions

Section 1

Scope of the Act

In order to protect the privacy, interests and rights of the person, to ensure the security of the State and to maintain good data file practice, the provisions of this Act shall be followed, unless otherwise stipulated by law, in collecting, recording, using and delivering personal data.

This Act shall not apply to the collection, recording or use of personal data for personal reasons only or for corresponding normal private purposes.

This Act shall not affect the right to publish printed matter.

Section 2

Definitions

For the purpose of this Act:

1) "personal data" means a description of a person or a person's characteristics or living circumstances which can be recognized as depicting a certain natural private person or his family or those living with him in the same household;

2) "personal data file" means a set of data containing personal data that is processed with the aid of a computer, as well as a list, card index or other set of data containing personal data and arranged in a corresponding manner, from which data on a certain person can be found easily and without unreasonable expense;

3) "controller of a file" means a person, association or foundation for the use of which the personal data file is established and which has the right to dispose over the use of the personal data file;

4) "data subject" means a person to whom the personal data apply;

5) "use of personal data" means the use, in the activity of the controller of the file, of the personal data collected for entry or recorded in the personal data file;

6) "personal credit data" means personal data intended for use in the assessment of a person's financial status, his ability to meet his commitments or his trustworthiness;

7) "credit data activity" means the collection and recording of personal credit in order to deliver it to other parties, practiced as a business;

8) "mass delivery" means the delivery of all the personal data in the personal data file or of data concerning a relatively large number of data subjects recorded in the file as well as the delivery of personal data in a form suitable for automatic data processing or so that the party to which the data are delivered can use the personal data file by utilizing a technical connection; and

9) "sensitive sample" means a set of data containing personal data which due to the criteria for their selection and their purpose is conducive towards endangering the protection of the privacy of a data subject.

Section 3

The care obligation of the controller of the file

In collecting, recording, using and delivering personal data the controller of the file shall take care and follow good data file practice and also in other respects act so that the protection of the privacy, interests and rights of the data subject are not violated without cause and so that the security of the State is not endangered. A party who, as an independent entrepreneur or business, acts on behalf of the controller of the file or to whom the controller of the file has delivered personal data shall have the same obligation.

Chapter 2

Collecting and recording personal data

Section 4

Definition of the use of a personal data file

The use of a personal data file shall have substantive justification from the point of view of the activity and ad-

ministration of the controller of the file. The purpose for which a personal data file shall be used as well as the source from which the personal data shall normally be obtained (the normal data sources) and to whom the personal data recorded in the file shall normally be delivered (normal delivery of data) shall be defined before the collection of personal data intended to be recorded in the file or, if personal data are contained in documents resulting from the normal activity of the controller of the file, before the personal data are organized into a personal data file.

The purpose for which a file shall be used shall be defined to show what functions of the controller of the file shall be facilitated by the maintenance of the personal data file. Personal data files which shall be kept technically separate shall be deemed part of the same personal data file if they are used to carry out the same function.

The purpose for which a personal data file shall be used as well as the normal delivery of data may be redefined at a later stage if this is necessary on the basis of changed circumstances and the purpose thus defined does not essentially differ from the original purpose.

Section 5

Recording personal data in a personal data file

Without the consent of the data subject or the permission of the Data Protection Board, data may be collected and recorded in a personal data file only in respect of persons who have a substantive association with the controller of the file on the basis of a customer or service relationship, membership or other comparable relationship, unless the maintenance of the data file is due to a statutory function of the controller of the file or to a function that is assigned to him under an Act or Decree (requirement of association).

Only personal data that are necessary in view of the purpose of the personal data file may be recorded (requirement of need). More detailed provisions on what personal data may be recorded in certain personal data files may be issued by Decree.

Notwithstanding paragraph 1, and subject to the provisions on secrecy, a group of companies or other economic consortium

may collect and record in a joint personal data file data on the customers or employees of the units that form part of the consortium.

Notwithstanding paragraph 1, personal data may be collected and recorded in a personal data file for credit data activity and for direct advertising, sales by telephone and other direct marketing, directory assistance, opinion and market research, as well as for scientific research and statistics. More detailed provisions shall be issued by Decree on the use of such personal data files and on the data to be recorded in them.

Section 6

Prohibition of recording of sensitive data

Sensitive data may not be collected for entry or recorded in a personal data file.

Personal data that are intended to describe the following shall be deemed sensitive:

- 1) racial or ethnic origin;
- 2) the social, political or religious convictions of a person;
- 3) a criminal act, punishment or other sanction following an offence;
- 4) the state of health, illness or disability of a person or the treatment or other comparable measures to which he has been subjected;
- 5) the sexual behaviour of a person; or
- 6) the social services, economic support, social assistance and the related social welfare services received by a person.

Section 7

Exceptions to the prohibition of recording sensitive data

The provisions of section 6 do not prevent collecting and recording data in a personal data file if the Data Protection board has given permission for this, the data subject consents or if it is a question of the following:

- 1) a personal data file provided for by Act or Decree or which is established directly on the basis of a function stipulated for the controller of the file by statute or on the

basis of Act or Decree;

2) a personal data file maintained by a social welfare authority that contains data received by the authority in question in its activity on the social welfare received by the data subject and on the grounds for this;

3) a personal data file maintained by a health care authority or institution that contains data received by these in their activity on the state of health, illness or disability of the data subject or on treatment measures to which he has been subjected or other data that are necessary for the treatment of the data subject;

4) a personal data file maintained by a physician, a dentist or another person who has received professional training in health care and that contains data he has received in his professional capacity on the state of health, illness or disability of the data subject or on treatment measures to which this person has been subjected or other data that are necessary for the treatment of the data subject;

5) a personal dossier maintained by a municipal authority on those who hold office subject to this authority, when this dossier contains the data that, under the Personal Dossier Decree (1964/215) may be entered into the personal dossier of a state civil servant;

6) a personal data file maintained by an insurance company that contains data received in insurance activity on the state of health, illness or disability of an insured person or on treatment measures or other comparable measures to which he has been subjected; or

7) a personal data file intended for a specific scientific study as stipulated in greater detail by Decree.

Section 8

Registration of the sources of data

If the personal data recorded in a personal data file have been obtained from sources other than the normal data sources defined in accordance with section 4, the controller of the file shall retain a report on the source of the data to be recorded.

Chapter 3

Inspection and correction of personal data

Section 9

Ensuring the validity of the data

The controller of the file shall, by using reliable sources of data and in other ways ensure that false, incomplete or outdated data are not recorded in a personal data file. In assessing the obligation of the controller of the file, consideration shall be given to the purpose of the personal data file and the significance of the use of the personal data file to the protection of the privacy, interests and rights of the data subject.

Section 10

Preparation of a statement of file

The controller of a file shall prepare a statement of file of any personal data file to be maintained by computer, indicating the purpose of the file as well as the data contained in the file. The statement of file shall be displayed for public inspection at the place of business of the controller of the file.

A statement of file shall be prepared before the collection of data intended for recording in the personal data file or, if the personal data are contained in documents that resulted from the formal activities of the controller of the file, before the personal data are organized into a personal data file.

The controller of the file shall on request provide information on the intended purpose and type of data also in respect of a personal data file for which no statement of file need be prepared.

If the display of a statement of file for public inspection may endanger the security of the State or relations with another state or international organization or impair the prevention or investigation of an offence, it may be ordered by Decree that the information referred to in paragraph 1 shall be given only to the Data Protection Ombudsman.

Section 11

The data subject's right of inspection

Every person has the right, notwithstanding the provisions on secrecy, and after he has provided information on facts necessary to seek the data, to be informed on what data are recorded in a personal data file regarding him or that there are no data regarding him on the personal data file. At the same time, the controller of the file shall notify the data subject of the normal data sources of the file and of the purpose for which the data in the file are used and normally delivered. The controller of the file may collect remuneration for providing data only if less than one year has passed since the previous time the person in question received the data in the file for inspection. The remuneration to be collected shall be reasonable and may not exceed the immediate expenses resulting from the provision of the data.

A person who wants to inspect data regarding himself in the manner referred to in paragraph 1 shall present a request to this effect in person to the controller of the file at his place of business or in the form of a letter signed in person by the person presenting the request. More detailed provisions shall be issued by Decree on the implementation of the right of inspection of personal data files in health care.

Section 12

Limitations on the right of inspection

The right of inspection referred to above in paragraph 11 shall not apply in the following cases:

1) if the provision of the data might endanger the security of the State or relations with another state or an international organization, impair the prevention or investigation of an offence or violate another very important public interest;

2) if the provision of the data might seriously endanger the health or treatment of the data subject or if the provision of the data might violate another very important private interest;

3) if the personal data in the file are used solely for statistical purposes in research or planning activity; or

4) if, where the personal assessments which serve as the basis for salaries are contained in a personal data file which is maintained by an employer on his employees in a non-computerized form, the appropriate collective agreement on the salaries of the employees or civil servants provides for the basis of such salaries or, if this is not the case, this has been agreed upon with the employee; this shall also apply to a personal data file kept by an employer in a corresponding manner for the selection of employees if said list is erased as soon as it is no longer necessary for the management of the statutory obligations of the employer.

If only part of the data applying to the data subject is such that they lie outside of the scope of the right of inspection under subparagraphs 1 and 2 of paragraph 1, the data subject shall have the right to inspect the other data recorded on him.

If a person has the right to be informed of data on him contained in a personal data file through a procedure provided by Act or Decree or by action of the controller of the file, it may be provided by Decree that such personal data files shall remain outside the scope of the right of inspection.

Section 13

The right of inspection of personal credit data files

A controller of a file engaged in credit data activity shall notify the data subject of the first entry regarding said person in the personal credit data file.

On the request of the data subject, a controller of a file engaged in credit data activity shall provide information on to whom or to where personal credit data regarding this person has been delivered over the previous six months and from whom or from where the data on the data subject are derived. The provisions of section 11 shall otherwise apply to the right of inspection.

Section 14

Fulfillment of the right of inspection

The controller of the file shall, without undue delay, reserve the data subject the opportunity to acquaint himself

with the data referred to in section 11 or, on request, provide the data in writing. If the controller of the file refuses to provide the data, he shall provide a written certificate thereof on request. The certificate shall also state the reasons for which the right of inspection has been denied.

If the controller of the file has not provided the data subject a written reply within three months of the presentation of the request, this shall be deemed the equivalent of refusal of the right of inspection.

Section 15

Rectification of an error

The controller of the file shall ensure that personal data that are erroneous, unnecessary, defective or outdated from the point of view of the intended use of the personal data file shall be rectified, deleted or supplemented without undue delay (rectification of an error) if it is apparent that such data endanger the protection of the privacy, interests or rights of the data subject. An error shall always be rectified on the justified demand of the data subject.

If the controller of the file rejects the demand for the rectification of an error, he shall give a written certificate of this on request. The certificate shall also note the reasons for which the demand was rejected.

If the error may violate the interests or rights of the data subject, the controller of the file shall inform the party to which he has delivered or from which he has received the erroneous personal data in the normal delivery of data of the rectification of the error. On the justified demand of the data subject, a notice shall always be made of the rectification of an error to a party to whom the controller of the file knows that he has probably delivered the erroneous personal data or to a party from whom the controller of the file knows that he has probably received the erroneous personal data, and to the party delivering or receiving data, indicated by the data subject.

Chapter 4
The use and delivery of personal data
Section 16

Commitment to purpose

Personal data in a personal data file may only be used for the purpose defined before the data are collected, unless the provisions of this or another Act provide to the contrary. However, data in a personal data file may be used for statistical purposes in the research and planning activities of the controller of the file.

Section 17

The reporting obligation of the recipient of delivered data

A party that requests data deposited in a personal data file for his use shall be obliged to give the controller of the file an account of the purpose for which the requested data are intended and how the personal data intended are to be protected.

Section 18

Delivery of data from a personal data file

Personal data in or collected for a personal data file may not be delivered unless otherwise provided by paragraphs 2 or 3 or the data are delivered:

- 1) with the consent of, or on assignment for, the data subject;
- 2) in accordance with an Act or Decree or an order issued under an Act or Decree;
- 3) under circumstances where the delivery of the personal data is a normal part of such activity; however, in this a precondition for delivery shall be that it may be assumed that the data subject is aware of such delivery of the personal data and that it is not a question of sensitive data; or
- 4) for scientific research or statistics.

Other than sensitive personal data may be delivered from a personal data file for direct advertising, sales by telephone and other direct marketing as well as for directory assistance, unless the data subject has prohibited the delivery of the data, and if it is apparent that the data subject knows about such delivery of personal data. More detailed provi-

sions on the data to be delivered shall be provided by Decree.

Personal credit data may be delivered only to a controller of a file engaged in credit data activity and to a party requiring the data for the granting of credit, for the supervision of credit or for another comparable purpose.

The providing of personal data for budget accounting, data processing, posting or other comparable tasks on assignment for the controller of the file shall not be deemed delivery of personal data, nor shall the transfer of personal data to a joint data file referred to in section 5, paragraph 3 or the delivery of data with the help of which the data subject cannot be identified be deemed delivery of personal data.

Section 19

Mass delivery of, and sensitive sampling from, personal data

Personal data in or collected for a personal data file may be delivered as mass delivery or as sensitive sampling only in the following cases:

- 1) if the data subject has consented to this or if it takes place on assignment for the data subject;
- 2) if such delivery of data takes place under section 18, paragraph 3 or under another Act or Decree or on the basis of permission granted by the Data Protection Board; or
- 3) if the party receiving the data has, under this Act, the right to record personal data in a personal data file and the delivery and use of the personal data does not endanger the protection of the privacy, interests and rights of the data subject or the security of the State.

In the cases referred to in paragraph 1, the personal identity code may be delivered only if the party receiving the data already has this at his disposal, he has the right to receive it from the data subject or from the population register, or the delivery takes place for a scientific study, the keeping of statistics or credit data activity.

Section 20

The combining of personal data files

Personal data files may be combined only if:

1) the data subject has consented thereto or the Data Protection Board has granted permission;

2) the combining of files directly follows from a statutory function and the controller of the file has the right, for said function, to receive and use the data to be combined;

3) the combining of files takes place for the ordinary updating of address data or for the avoidance of multiple postal shipments; or

4) it is apparent that the combining of files does not endanger the protection of the privacy, interests and rights of the data subject.

The formation of one file from two or more technically separate personal data files kept by the same party shall not be considered such combining of files if the files are related to the administration of the same relationship between the controller of the file and the data subject and the new file to be formed fulfills the requirements provided in sections 4 through 7.

Section 21

The use of delivered data

The party to whom personal data are delivered may not use the personal data received for purposes other than those defined at the time the data were delivered. The same shall apply to a party who receives personal data for the performance of a function on assignment for the controller of the file.

Section 22

Transborder delivery of data

Personal data in or collected for a personal data file may, without permission from the Data Protection Board or the consent or assignment of the data subject, be delivered as mass delivery or as a sensitive sample only to a country that has legislation that corresponds to the provisions of the present Act. More detailed provisions on such countries shall be issued by Decree.

Permission may be granted only if it is apparent that, taking into consideration the amount, type and intended purpose of the personal data to be delivered as well as the protec-

tive measures to be undertaken, the delivery does not endanger the protection of the privacy of the data subject or violate his interests or rights or endanger the security of the State.

Personal data may be delivered to another State for data processing and posting on assignment for the controller of the file if the delivery and use of the personal data does not endanger the protection of the privacy, interests and rights of the data subject or the security of the State.

Section 23

The right to prohibit the use or delivery of data

The data subject shall have the right to prohibit the controller of the file from using or delivering data regarding said data subject for direct advertising, sales by telephone and other direct marketing, directory assistance and market and opinion research.

Section 24

Notification of the use of a personal data file in certain cases

A party who has obtained personal credit data on a data subject for use in decision making regarding this person shall notify him of the use of the credit data in decision making and of the source of the credit data in the file if the refusal of credit or other negative decision in respect of the data subject is primarily due to the credit data received.

In direct advertising, sales by telephone and other direct marketing as well as in questionnaires for market and opinion research for which the name and address of a person have been obtained from a personal data file, notice shall be given of the name of the personal data file used in the acquiring of the data as well as the controller of the file and his address.

Section 25

Registering the delivery of data

With the exception stipulated in paragraph 2, the controller of a file shall retain data on the following when delivering data on the basis of section 19, paragraph 1, subpara-

graph 3:

- 1) what data have been delivered;
- 2) to whom the data have been delivered;
- 3) for what purpose the data have been delivered; and
- 4) when the data were delivered.

The retention of data in the manner referred to in paragraph 1 is not necessary when the data are delivered in normal delivery of data as defined in section 4. However, data shall always be retained on a delivery involving a personal data file that is kept for the further delivery of personal data as a business.

Chapter 5
Protection, transfer into archives
and erasure of a personal data file

Section 26

Protection of a personal data file

The controller of a file shall ensure that the personal data file and the data contained therein are protected in an appropriate manner against unauthorized manipulation, use, erasure and alteration as well as against appropriation. The same shall apply to a party who, as an independent entrepreneur or business acts on behalf of the controller of the file or to whom the controller of the file has delivered personal data through mass delivery or sensitive sampling.

Section 27

Erasure of a personal data file

If a personal data file is no longer necessary from the point of view of the activity of the controller of the file, the file shall be erased unless the data recorded therein are to be preserved in accordance with a special provision or order or unless the data file is transferred into an archive as stipulated in greater detail by Decree.

Section 28

Personal data files transferred into archives

Separate provisions shall apply to the use and protection of personal data files transferred to the possession of archive authorities as well as to the delivery of the data contained therein. However, in delivering personal data from

private personal data files the archives authorities shall pay due regard to the provisions of this Act on the delivery of personal data, unless in view of the age and type of data recorded in the personal data file this is manifestly unnecessary for the protection of the privacy of the data subject.

Chapter 6

Supervision, coercive measures and exceptional permission

Section 29

Data protection authorities

The Data Protection Ombudsman shall supervise the collection, recording, usage and delivery of personal data in order to fulfill the aims of this Act.

The Data Protection Board shall have the authority to decide on data protection matters as stipulated in this Act.

Stipulations on the office of the Data Protection Ombudsman, the composition of the Data Protection Board and the proceedings before the Data Protection Board are provided in the Data Protection Board and the Data Protection Ombudsman Act (1987/474).

Section 30

Notification obligation

The controller of a file shall give notice to the Data Protection Ombudsman on the following:

- 1) a personal data file, the data in which are intended for use in direct advertising, sales by telephone or other direct marketing or directory assistance or in opinion or market research, if the file contains data on persons who are not associated with the controller of the file on the basis of a customer or service relationship, membership or other corresponding relationship as referred to in section 5, paragraph 1;
- 2) a personal data file that is maintained through automatic data processing and for which data are collected under section 19, paragraph 1, subparagraph 3, unless it is a question of ordinary updating of address data or a personal data file maintained for scientific research;

3) the delivery of personal data to another state for automatic data processing or the delivery of personal data in a personal file to a considerable extent for use in another state, unless the permission referred to in section 22 has been sought for delivery; and

4) an essential alteration of the personal data file referred to above in subparagraphs 1 and 2.

A party who is engaged in credit data activity or who is engaged in debt collecting, marketing or opinion research on a professional basis or manages on behalf of another tasks or data processing tasks related to the selection of personnel and the assessment of their suitability, and in said activity uses or processes personal data files and the data contained therein, is obliged to notify the Data Protection Ombudsman of his activity.

The notice shall be given in sufficient time, at the latest one month before the collection of the personal data intended for recording in the personal data file or before the initiation of the activity or before the initiation of other measures resulting in a notification obligation. If a personal data file which was not previously subject to the notification obligation is altered into one for which a notice is required, said notice shall be made within one month of the data on which the altered file is taken into use.

Exceptions to the notification obligation may be stipulated by Decree where these do not endanger the possibilities of guiding file activity in order to fulfill the goals of this Act.

Section 31

Obligation of the controller of a file to provide data

Notwithstanding the stipulations on secrecy, the controller of a file is obliged to provide the Data Protection Ombudsman with the data on the personal data file and its use required by the latter for the supervision of the legality of the collection, recording, inspection, use and delivery of personal data.

Controllers of a file are obliged to provide the Data Protection Ombudsman with reports on the personal data files as stipulated in greater detail by Decree.

Section 32

Right of inspection of a data protection authority

The Data Protection Ombudsman has the right to inspect personal files and use experts approved by the Data Protection Board in such inspections.

The Data Protection Ombudsman and an expert shall, in order to carry out the inspection, have right of access to premises maintained by the controller of the file or by a person acting on assignment for him, where personal data are processed or personal data files are kept, and to receive the data and equipment necessary for the performance of the inspection.

The inspection shall be carried out so that it does not cause the controller of the file unnecessary inconvenience and expense.

Section 33

General instructions

The Data Protection Ombudsman may issue more detailed instructions on when personal data may be delivered under section 19 and personal data files may be combined under section 20 without the permission of the Data Protection Board, and on how personal data files shall be protected from use by third parties.

Section 34

Specific guidance for a file

Should the Data Protection Ombudsman note that the collection or recording of personal data or the use or delivery of data in a personal data file violates the law, he shall seek to have the party in question voluntarily change his actions. If needed, the Data Protection Ombudsman shall submit the matter to the consideration of the Data Protection Board or report it for prosecution.

Section 35

Establishment of obligations and injunctions

On the petition of a data subject the Data Protection Ombudsman may issue an order to a controller of a file on the

exercise of the data subject's right of inspection and on the rectification of an error in the file. The order shall lapse if the controller of the file informs the office of the Data Protection Ombudsman in writing or orally within the time specified that he objects to the issuing of the order. The specified time referred to shall be at least eight days from the service of the order.

If a person collects and records data in a personal data file, uses a personal data file, delivers data from a personal data file or undertakes other measures in violation of this Act or neglects an obligation established by said provisions or orders or if the order issued by the Data Protection Ombudsman has lapsed as referred to in paragraph 1, the Data Protection Board may, on the petition of the Data Protection Ombudsman, oblige the party in question to rectify, within a specified period, what has been unlawfully done or neglected. The data subject may, by application, submit for the consideration of the Data Protection Board a matter involving the exercise of the right of inspection or the rectification of an error if the Data Protection Ombudsman has decided not to issue an order to the controller of the file or has refused to submit the matter to the consideration of the Data Protection Board.

The Data Protection Board may prohibit the unlawful collection, recording, use and delivery of personal data. If the unlawful action or neglect constitutes a considerable danger to the protection of the privacy, interests or rights of the data subject or endangers the security of the State and if there are no statutory provisions on the file, the Data Protection Board may order that the file activity shall be terminated.

Section 36

Threat of a fine

The Data Protection Ombudsman may set a threat of a fine to enforce the notification obligation under section 31 and an order issued by him under section 35. The Data Protection Board may set a threat of a fine to enforce the establishment of an obligation or injunction. The Data Protection Board shall decide on the enforcement of the threat of a fine.

Section 37

Exceptional permission

The Data Protection Board may grant the permission referred to in sections 5, 7, 19 and 20 or in section 18a of the Publicity of Official Documents Act or permission to deviate from the provisions of this Act or the Decrees issued on the basis thereof if there is an important reason for this and it is possible to prevent the endangerment of the privacy, interests and rights of the data subject as well as of the security of the State.

The permission may be granted for a specified period or until further notice, and the orders necessary for the protection of the privacy, interests and rights of the data subject as well as for the protection of the security of the State shall be appended thereto.

On the request of the Data Protection Ombudsman or of the recipient of the permission, the Data Protection Board may amend or supplement the orders referred to in paragraph 2 if this is necessary in view of changed circumstances. The permission shall be withdrawn if there is deemed to be reason for this.

Chapter 7

Appeals

Section 38

The right of appeal

A decision made by the Data Protection Board under section 22 or 35 through 37 shall be subject to appeal to the Supreme Administrative Court in accordance with the stipulations of the Administrative Appeal Act (1950/145). A decision made by the Data Protection Board under section 22 or 37 shall be subject to appeal by the Data Protection Ombudsman.

Section 39

Immediate implementation of a decision

A decision made by the Data Protection Board under section 35 or 36 may order that the order shall be implemented notwithstanding an appeal unless the appellate authority orders otherwise.

Chapter 8

Miscellaneous provisions

Section 40

The protection of data in postal shipments

The controller of a file may not, in postal shipments, make visible use of the personal identity code of a person, data concerning the personal circumstances of the recipient or data referred to in section 24, paragraph 2.

Section 41

Secrecy obligation

A person who, in the collection, recording, use or delivery of personal data has obtained data on the personal circumstances or financial circumstances of another may not reveal data received in this manner to a third party that is a violation of this Act.

Section 42

Obligation to pay damages

The controller of a file is obliged to compensate the financial loss incurred by a data subject through the use or delivery of erroneous data or from the unlawful use or delivery of data. In so doing, compensation shall also be provided for suffering unless this is deemed minor. The stipulations of chapter 2, sections 2 and 3, chapter 3, sections 4 and 6 as well as chapters 4, 6 and 7 of the Compensation Act (1974/412) shall otherwise apply to the obligation to provide compensation.

Section 43

Personal data file offence

A person who, in violation of this Act or of the provisions or orders issued under this Act:

- 1) records sensitive data in a personal data file;
- 2) prevents or attempts to prevent the data subject, by giving him false or misleading information, from using his right to inspect the personal data file;
- 3) uses a personal data file or data contained therein for purposes other than those defined under law;

- 4) delivers personal data from a personal data file; or
- 5) combines personal data files

and is so doing violates the protection of the privacy of the data subject or causes him other harm or essential inconvenience shall be sentenced for a personal data file offence to a fine or imprisonment for at most one year.

Section 44

Personal data file violation

A person who, in violation of this Act or of the provisions or orders issued under this Act, deliberately or through gross negligence:

- 1) neglects his obligation to record the source of data or the delivery of data;

- 2) neglects to follow the stipulations on the determination of the purpose of a personal data file, the preparation and display of a statement on a file, the notification of the data subject of data, the rectification of an error noted in a personal file or the sending of information to the Data Protection Ombudsman,

- 3) gives the Data Protection Ombudsman false or misleading information in a matter related to a personal data file; or

- 4) violates the orders given on the protection and erasure of a personal data file

and in so doing endangers the protection of the privacy or rights of the data subject shall be sentenced, if no more severe punishment is stipulated elsewhere in law for the violation, for a personal data file violation to a fine.

A person who is guilty through gross negligence of the act referred to in section 43 shall also be sentenced for a personal data file violation.

Section 45

Unauthorized access to a personal data file

A person who, through the use of a user code that does not belong to him or through other fraudulent means passes a control or identity or a corresponding security system and thus gains access without authorization to a personal data file maintained with the assistance of automatic data processing shall be sentenced for unauthorized access to a personal

data file to a fine or to imprisonment for at most six months.

Section 46

Violation of the secrecy obligation
in respect of personal data files

A person who, in violation of section 41, reveals to a third party personal data recorded or collected for a personal data file shall be sentenced for violation of the secrecy obligation in respect of personal data files to a fine or to imprisonment for at most six months.

Section 47

Hearing of the Data Protection Ombudsman

Before prosecution of the act referred to in sections 43 through 46 the public prosecutor shall hear the Data Protection Ombudsman. In considering such a case the court shall reserve the Data Protection Ombudsman an opportunity to be heard.

Section 48

The right to issue Decrees

More detailed provisions on the implementation of this Act shall be issued by Decree.

Chapter 9

Provisions on entry into force and transitory provisions

Section 49

Entry into force

This Act shall enter into force on 1 January 1988.

However, the provisions of a Decree on the collection, recording, use and delivery of data issued before this Act enters into force shall apply instead of the corresponding provisions of this Act.

The provisions of section 42 of this Act shall apply to damage that occurs subsequent to the entry of this Act into force.

Section 50

Transitory provisions

A personal data file that has been taken into use before the entry of this Act into force shall be brought into accordance with this Act within a year of the entry of this Act into force unless stipulated to the contrary below. If the maintenance of such a file requires permission under this Act, the application for permission shall be submitted within six months of the entry of this Act into force.

The notice referred to in section 30, paragraph 1, subparagraph 3 and paragraph 2 of this Act shall be made within six months of the entry of this Act into force and the notice referred to in section 30, paragraph 1, subparagraphs 1 and 2 shall be made within one year of the entry of the Act into force.

A controller of a file engaged in credit data activity shall make the notice of the personal data referred to in section 13, paragraph 1 within two years of the entry of the Act into force. If a manually maintained personal data file previously used for credit data activity is adapted for maintenance with automatic data processing, the notice may be made only in respect of the personal data included in the file to be maintained with automatic data processing, unless personal credit data are delivered on the basis of the earlier file.