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Handling of personal data breach

A personal data breach means any incident leading to the destruction, loss, alteration or unauthorised disclosure of, or access to, personal data.

Nykredit must notify the Danish Data Protection Agency if a personal data breach is likely to result in a risk to the rights or freedoms of natural persons, including a risk of identity theft or significant economic or social disadvantage to the natural persons concerned. Generally, the Danish Data Protection Agency must be notified of a personal data breach not later than 72 hours after Nykredit has become aware of the breach.

Where a personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, Nykredit must notify not only the Danish Data Protection Agency, but also, without undue delay, the data subject of the breach. The purpose of such notification is to allow the data subject to take the necessary precautions if his or her personal data have been compromised.

When notifying the data subject, Nykredit must state:

- The name and contact details of Nykredit's data protection officer or other contact point where more information can be obtained by the data subject.
- A description of the likely consequences of the breach.
- A description of the measures taken, or proposed to be taken, by Nykredit to address the personal data breach, including measures to mitigate any possible adverse effects.

Nykredit is not required to notify the data subject if:

- Nykredit has implemented appropriate technical and organisational protection measures covering the personal data concerned, in particular measures that render the personal data unintelligible to any person who is not authorised to access it, such as encryption.
- Nykredit has taken subsequent measures which ensure that the high risk to the rights and freedoms of the data subjects is no longer likely to materialise.
- Notifying the data subjects individually would involve a disproportionate effort from Nykredit. In such a case, Nykredit will usually be required to communicate the breach publicly instead.

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