



# Dutch municipalities struggle with the handling of their citizens' personal social data

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## Description

*Dutch municipalities fail to sufficiently respect the rules concerning their citizens' personal social data protection. If no improvement is forthcoming, municipalities risk high fines, the discontinuation of important data collection and processing applications; they also risk damaging their reputations.*

Dutch municipalities fail to sufficiently respect the rules concerning their citizens' personal social data protection. The problem partly stems from the decentralisation of tasks in the social domain from the central government to the municipalities as of 1 January 2015. However, this is not the only source of difficulties, for example when it comes to the use of "Suwinet".

For many years now, there have been concerns about the way municipalities deal with the protection of personal data in the performance of their social security tasks. For these tasks they make use of Suwinet, an application that enables the collection of data on individual clients from a number of sources, including the Municipal Personal Records Database (BRP) the Employee Insurance Agency (UWV), the Social Insurance Bank (SVB), the Tax Authorities, the Chamber of Commerce and the Netherlands' Cadastre, Land Registry and Mapping Agency. This application has existed for 15 years now and for municipalities it is of great practical importance in assessing the legitimacy and appropriateness of benefits. The purpose of the application is not only to help social security officials; it was also developed in the interest of citizens, namely to reduce their administrative burden when applying for benefits.

The intensive daily use by municipalities of Suwinet is not properly secured in practice. Repeatedly, incidents have been reported in the press on officials who "... are gloating over sensitive personal data of Dutch celebrities." (Algemeen Dagblad, 10 May 2014). This kind of reports, based on research by the Inspectorate of the Ministry of Social Affairs and Employment (Inspectorate SZW, 2013), also causes discontent among ordinary Dutch people about how their personal data are dealt with.

For several years, the Inspectorate SZW has monitored the way in which municipalities deal with (the protection of) personal data by assessing them against seven essential criteria, including: the presence of a data protection policy; the establishment of tasks, functions and (final) responsibilities and their assignment to individuals; and the regulating of access to specific data and control thereof.

In the last assessment of September 2015, 192 of the 390 municipalities met these criteria. Even though there has been progress compared to 2014, a large number of municipalities still fail to meet the criteria.

In a Letter to Parliament in March 2016, the Dutch State Secretary of the Ministry of Social Affairs and Employment announced that she will take enforcement action against

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municipalities that do not meet the criteria in the very near future; as a last resort, their access to Suwinet could be discontinued.

The issue of responsible use of personal data is not limited to the field of social security. Partly as a result of the decentralisation of long-term care responsibilities from the central government to the municipalities on 1 January 2015, it also affects youth care (Youth Act) and social support (Social Support Act, WMO).

Finally, due to their integrated way of working, municipalities collect large amounts of sensitive information from citizens, which they make available to many civil servants. A recent study of the Dutch Data Protection Authority (Dutch DPA, Autoriteit Persoonsgegevens) shows that citizens "cannot know what municipalities do with information they give in confidence" (NRC Handelsblad, April 19, 2016). In fact, municipalities do not know this themselves, because they do not control these processes. The Dutch DPA indicates that municipalities are facing a very complex task and is critical of the lack of national laws in this area.

imposed, and in extreme cases access to Suwinet may even be discontinued. A discontinued access to Suwinet would have a severe impact on daily operations. So severe in fact, that there are doubts about the feasibility of this extreme measure.

For the time being, there is no national legislation regarding the protection of personal data and it is therefore up to municipalities themselves to find their own way. Two interest groups, the Dutch Association of Netherlands Municipalities (VNG) and the Dutch National Association of Managers with municipal services in the fields of social inclusion (Divosa), are supporting them in the conception and the implementation of improvement strategies. The Dutch DPA has warned that it will closely monitor the municipalities this year and, if needed, take enforcement action, including fines. The fact that at the same time it is also criticising the lack of a national law, casts doubt on whether it will really fine any municipality.

## Further reading

Ambtenaren verlekken zich aan privégegevens BN'ers. In: Algemeen Dagblad, 10 May 2014.

Dutch DPA. Verwerking van persoonsgegevens in het sociaal domein. The Hague. April 2016.

Inspectorate SZW. Veilig gebruik Suwinet. 2013.

Inspectorate SZW. Suwinet, veilig omgaan met elkaars gegevens. May 2015.

Letter to Parliament. 11 March 2016. Stand van zaken escalatieprotocol Suwinet.

Persoonlijke gegevens niet in goede handen bij gemeenten. In: NRC Handelsblad, 19 April 2016.

van Driel, R. (Divosa). Privacy: bewustwording van medewerkers is cruciaal. Report of a meeting, 5 February 2016.

van Kesteren, D. Suwinet slechts het topje van de ijsberg. In: Sprank, 13 March 2016.

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## Outlook & Commentary

With regard to this data protection issue, new developments are expected to occur in the course of 2016 because of the pressure that the State Secretary exerts on municipalities.

The 198 municipalities investigated by the Inspectorate SZW which did not meet all seven essential criteria have by now received a notice from the State Secretary, indicating the period within which Suwinet should be properly protected. If improvements fail to occur, administrative measures will be