FINLAND

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Ad Hoc Information Report

Data protection: Redress mechanisms and their use

2012

Finnish league for Human Rights

Mapping of Redress mechanisms in the area of data protection

Redress Mechanism Number	Type of possible outcomes of procedure	first Instance	Total Number of times this procedure was initiated in 2009 (please provide source of information in footnote)	Total Number of times this procedure was initiated in 2010 (please provide source of information in footnote)	Total Number of times this procedure was initiated in 2011 (please provide source of information in footnote)
1	**Compensation**	**District court**	**5**[1]	**Data not available**[2]	**Data not available**[3]
2	**Fine**	**District court**	**Data not available**[4]	**Data not available**[5]	**Data not Available**[6]
3	**Fine or imprisonment**	**District court**	**5**[7]	**8**[8]	**Data not available**[9]
4	**Direction and**	**Data Protection**	**341**[10]	**297**[11]	**828**[12]

[1] Response of Finnish Advisory Board for Personal Injuries (*Henkikilöasiain neuvottelukunta/Delegationen för personskadeärenden*) (on file with the author). Data about the number of procededures initiated in 2009 is not available as such. For this reason, the data presented is based on number of cases *decided* in 2009. The Advisory Board makes general recommendations on the amount of compensation for personal injury based on a systematic study of all the district court cases. Current recommendations are based on the cases decided in 2007 and 2009. The total number presented is based on cases decided in 2009. (cases on file with the author)

[2] According to the information received from the Finnish Advisory Board for Personal Injuries Injuries (*Henkikilöasiain neuvottelukunta/Delegationen för personskadeärenden*), the board does not hold information regarding personal injury cases decided in 2010. Neither public legal database Finlex nor the Official Statistics of Finland have collected systematic data from district courts in civil cases.

[3] According to the information received from the Finnish Advisory Board for Personal Injuries Injuries (*Henkikilöasiain neuvottelukunta/Delegationen för personskadeärenden*), the board does not hold information regarding personal injury cases decided in 2011. Neither public legal database Finlex nor the Official Statistics of Finland have collected systematic data from district courts in civil cases.

[4] These cases would concern procedures relating to personal data violation as provided by Section 48 of the Data Protection Act. The Statistics of Finland only collects statistical information pertaining to criminal procedures relating to application of Criminal Code (*Rikoslaki/Strafflag*). Accordingly, statistical data was not available for this redress mechanism.

[5] Ibid.

[6] Ibid.

[7] Finland, Official Statistics of Finland (OSF): Prosecutions, sentences and punishments [e-publication]. Helsinki: Statistics. See also: http://tilastokeskus.fi/til/syyttr/index_en.html. All hyperlinks were accessed in 23 May 2012. Data about the number of procedures *initiated* in 2009, 2010 and 2011 is not available as such. For this reason, the data presented is based on number of cases *decided* in each year.

[8] Ibid.

[9] Official statistics of 2011 will become available in 17 December 2012. See also http://tilastokeskus.fi/til/syyttr/index.html.

[10] Response of the Office of Data Protection Ombudsman May 15, 2012 (on file with the author).

[11] Ibid.

	guidance on the processing of personal data	**Ombudsman**			
5	**Access to data and rectification**	**Data Protection Ombudsman**	**189**[13]	**174**[14]	**227**[15]
6	**Reporting the matter for prosecution**	**Data Protection Ombudsman**	**0**[16]	**0**[17]	**0**[18]
7	**Referring the matter to the Data Protection Board**	**Data Protection Ombudsman**	**2**[19]	**16**[20]	**0**[21]
8	**Prohibiting processing of personal data which is contrary to the provisions of the Personal Data Act**	**Data Protection Board**	**2**[22]	**0**[23]	**0**[24]
9	**Ordering the person concerned to remedy an instance of unlawful conduct or neglect**	**Data Protection Board**	**0**[25]	**1**[26]	**11**[27]

[12] Ibid.
[13] The Response of the Office of Data Protection Ombudsman May 15, 2012 (on file with the author). The response did not include disaggregated information about the number of procedures initiated in access rights and rectification cases.
[14] Ibid.
[15] Ibid.
[16] The Response of the Office of Data Protection Ombudsman May 15, 2012 (on file with the author). The following statistical information pertaining to initiated procedures at Data Protection Ombudsman are based on this response.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] Ibid.
[21] Ibid.
[22] The Response of the Office of DP Board May 24, 2012 (on file with the author). The following statistical information pertaining to initiated procedures at DP Board are based on this response.
[23] Ibid.
[24] Ibid.
[25] Ibid.
[26] Ibid.
[27] Ibid.

10	**Ordering the operations pertaining to the file to be ceased**	**Data Protection Board**	**0**[28]	**0**[29]	**0**[30]
11	**Revoking a permission referred in section 43 of the Personal Data Act**	**DP Board**	**0**[31]	**0**[32]	**0**[33]

Detailed information

1) Compensation:

- Range of possible outcomes: No formal monetary limit imposed by the law. However, recommended compensation based on existing case law is €300–800.[34]
- Legal basis: Chapter 5, Section 6 of the Tort Liability Act (412/1974) (*vahingonkorvauslaki / skadeståndslag*) and Chapter 38, Section 9 of Criminal Code (39/1889) (*rikoslaki / strafflag*).
- Type of procedure: Civil claim accessory to criminal procedure.
- Possibilities of appeal: 2nd and 3rd instances.
- Burden of proof: Complainant needs to prove she/he has suffered a personal injury.
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: The complainant may initiate and be active in a procedure on her/his own. However, in most cases the prosecutor presents the claims for compensation on behalf of the injured party and therefore it is not always necessary that she/he is present in person.
- Is there free legal advice/representation available from a public body: Yes. According to Section 1 of the Legal Aid Act (257/2002) (*oikeusapulaki / rättshjälpslag),* legal aid is given at the expense of the state to a person who needs expert assistance in a legal matter and who for lack of means cannot cover the costs. The aid is provided by a Public Legal Aid Office (*valtion oikeusaputoimisto / statliga rättshjälpsbyrå*).
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes, for DP authority in case the individual claim for compensation is accessory to a criminal procedure. According to Section 41 of the Personal Data Act (523/1999) (*henkilötietolaki / personuppgiftslag*), the public prosecutor hears the Data Protection Ombudsman (*tietosuojavaltuutettu /*

[28] Ibid.
[29] Ibid.
[30] Ibid.
[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] Finland, Finnish Advisory Board for Personal Injuries (*Henkikilöasiain neuvottelukunta/Delegationen för personskadeärenden*) (2011) Henkilöasiain neuvottelukunnan suosituksia 2011´, p. 38. Available at www.om.fi/1302672702993 (23.5.2012).

dataombudsmannen) before bringing charges for a conduct contrary to the act. When hearing a case of this sort, the court reserves the Data Protection Ombudsman an opportunity to be heard.

- Cost of procedure: Data not available.
- Average duration of procedure: Data not available. (See information provided at Redress Mechanism Number 2).
- Outcomes: 2009: minimum compensation €100; maximum compensation €1,550.[35]

2) Fine:

- Range of possible outcomes: A fine.
- Legal basis: Section 48 of the Personal Data Act (523/1999) (*henkilötietolaki / personuppgiftslag*).
- Type of procedure: Criminal procedure.
- Possibilities of appeal: 2nd and 3rd instances.
- Burden of proof: In a criminal case, the prosecutor/plaintiff proves the facts supporting the claim.
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: According to Chapter 1, Section 2 of the Criminal Procedure Act (689/1997) (*laki oikeudenkäynnistä rikosasioissa / lag om rättegång i brottmål*), it is the duty of the public prosecutor to bring a charge for an offence and to prosecute the case. However, according to Section 14 of the same act, if the public prosecutor decides not to prosecute, the injured party may bring a charge for the offence.
- Is there free legal advice/representation available from a public body (please specify the public body)? Yes. According to Section 1 of the Legal Aid Act (257/2002) (*oikeusapulaki / rättshjälpslag*), legal aid is given at the expense of the state to a person who needs expert assistance in a legal matter and who for lack of means cannot cover the legal costs. The aid is provided by a Public Legal Aid Office (*valtion oikeusaputoimisto / statliga rättshjälpsbyrå*).
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes. According to Section 41 of the Personal Data Act (523/1999) (*henkilötietolaki / personuppgiftslag)*, the public prosecutor hears the Data Protection Ombudsman (*tietosuojavaltuutettu / dataombudsmannen*) before bringing charges for conduct contrary to the act. When hearing a case of this sort, the court reserves the Data Protection Ombudsman an opportunity to be heard.
- Cost of procedure: Information not available.
- Average duration of procedure: Information not available.
- Outcomes: Information not available.

3) Fine or imprisonment:

- Range of possible outcomes: a fine or imprisonment for at most one year.
- Legal basis: Chapter 38, Section 9 of the Criminal Code (39/1889) (*rikoslaki / strafflag*).

[35] Finland, Finnish Advisory Board for Personal Injuries (*Henkikilöasiain neuvottelukunta/Delegationen för personskadeärenden*) (2011) Henkilöasiain neuvottelukunnan suosituksia 2011´, p. 145. Available at www.om.fi/1302672702993 (23.5.2012). District court decisions providing the background material for the report of the Advisory Board on file with the author.

- Type of procedure: Criminal procedure.
- Possibilities of appeal: 2nd and 3rd instances.
- Burden of proof: In a criminal case, the prosecutor/plaintiff proves the facts supporting the claim.
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: According to Chapter 1, Section 2 of the Criminal Procedure Act (689/1997) (*laki oikeudenkäynnistä rikosasioissa / lag om rättegång i brottmål*), it is the duty of the public prosecutor to bring a charge for an offence and to prosecute the case. However, according to Section 14 of the same act, if the public prosecutor decides not to prosecute, the injured party may bring a charge for the offence.
- Is there free legal advice/representation available from a public body (please specify the public body)? Yes. According to Section 1 of the Legal Aid Act (257/2002) (*oikeusapulaki / rättshjälpslag*), legal aid is given at the expense of the state to a person who needs expert assistance in a legal matter and who for lack of means cannot cover the legal costs. The aid is provided by a Public Legal Aid Office (*valtion oikeusaputoimisto / statliga rättshjälpsbyrå*).
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? Yes, as regards to the DP authority. According to Section 41 of Personal Data Act (523/1999) (*henkilötietolaki/ personuppgiftslag)*, the public prosecutor hears the Data Protection Ombudsman (*tietosuojavaltuutettu / dataombudsmannen*) before bringing charges for a conduct contrary to this act. When hearing a case of this sort, the court reserves the Data Protection Ombudsman an opportunity to be heard.
- Cost of procedure: Information not available.
- Average duration of procedure: Three months in 2009 and three months in 2010.
- Outcomes: The average amount of fine was €928 in 2009; the highest quartile being €1325and the lowest quartile being €455. The average amount of fine was €499; the highest quartile being €800 and the lowest quartile €320.[36] Imprisonment was not used as a punishment during the reviewed period.

4) Direction and guidance on the processing of personal data:

- Range of possible outcomes: The DP Ombudsman provides direction and guidance on the processing of personal data, supervises the processing in order to achieve the objectives of the Data Protection Act (523/1999) (*henkilötietolaki / personuppgiftslag*).
- Legal basis: Section 38 of the Personal Data Act (523/1999) (*henkilötietolaki / personuppgiftslag).*
- Type of procedure: Data protection authority.
- Possibilities of appeal: Appeal is not possible.
- Burden of proof: According to Section 31 of Administrative Procedure Act (434/2003) (*hallintolaki / förvaltningslag*), an authority sees to it that a matter is adequately and appropriately clarified by obtaining the information and accounts necessary for decision-making. A party provides information as to the grounds for her/his demand and also otherwise contributes to the clarification of the matter filed by her/him.
- Available mechanism to lower the burden of proof: None.

[36] Finland, Official Statistics of Finland (OSF): Prosecutions, sentences and punishments [e-publication]. Helsinki: Statistics. See also: http://tilastokeskus.fi/til/syyttr/index_en.html.

- Requirement of legal representation: Complainant can initiate/be active in a procedure on his own.
- Is there free legal advice/representation available from a public body? The DP Ombudsman has a legal duty to provide direction and guidance.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DP authority is the forum of procedure.
- Cost of procedure: Free.
- Average duration of procedure: The average duration of a procedure in all the matters decided by the DP Ombudsman was 72,7 days in 2009, 93,6 days on 2010 and 47,5 days in 2011.[37]
- Outcomes for 2009, 2010, 2011. Data not available.

5) Access to data and rectification:

- Range of possible outcomes: The DP Ombudsman may order a controller to realise the right of access of the data subject or to rectify an error.
- Legal basis: Section 40 of the Personal Data Act (523/1999) (*henkilötietolaki / personuppgiftslag).*
- Type of procedure: Data protection authority
- Possibilities of appeal: The decisions are subject to appeal in accordance with the provisions of the Administrative Judicial Procedure Act (586/1996) (*hallintolainkäyttölaki / förvaltningsprocesslag*) which provides for the right of appeal to Administrative Court and Supreme Administrative Court
- Burden of proof: According to Section 31 of Administrative Procedure Act (434/2003) (*hallintolaki / förvaltningslag*), an authority sees to it that a matter is adequately and appropriately clarified by obtaining the information and accounts necessary for decision-making. A party provides information as to the grounds for her/his demand and also otherwise contributes to the clarification of the matter filed by her/him.
- Available mechanism to lower the burden of proof: None
- Requirement of legal representation: The complainant can initiate/be active in a procedure on his own.
- Is there free legal advice/representation available from a public body. The DP Ombudsman has a legal duty to provide direction and guidance..
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DP authority is the forum of procedure.
- Cost of procedure: Free.
- Average duration of procedure: The average duration of procedure in all the matters decided by the DB Ombudsman was 72,7 days in 2009, 93,6 days on 2010 and 47,5 days in 2011.[38]
- Outcomes for: Data not available.

6) DP Ombudsman reports the matter for prosecution:

- Range of possible outcomes. Initiation of criminal procedure by the Public Prosecutor
- Legal basis: Section 40 of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag).*
- Type of procedure: Data protection authority

[37] The Response of the Office of Data Protection Ombudsman, May 15, 2012 (on file with the author).
[38] The Response of the Office of Data Protection Ombudsman, May 15, 2012 (on file with the author).

- Possibilities of appeal: none
- Burden of proof: Data Protection Act (523/1999) (*henkilötietolaki / personuppgiftslag)* does not include specific provisions concerning burden of proof for reporting the matter for prosecution. However, according to general rule set forth in Section 6 of the Criminal Procedure Act (689/1997) (*laki oikeudenkäynnistä rikosasioissa/ lag om rättegång i brottmål*), the public prosecutor is to bring a charge if there is a prima facie case against the suspect.
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? No.
- Is there free legal advice/representation available from a public body. No.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DP authority is the forum of procedure.
- Cost of procedure: Free.
- Average duration of procedure: Data not available.
- Outcomes: Data not available.

7) DP Ombudsman refers the matter to the DP Board:

- Range of outcomes: The DP Board may grant a permission for the processing of personal data if processing is necessary for certain limited purposes as provided by Section 43 of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag)*. According to Section 44 of the same Act, the Board may also give orders to 1) prohibit processing of personal data, 2) compel the person concerned to remedy unlawful conduct or neglect, 3) cease the operations pertaining to the file, and 4) revoke a permission granted earlier by the DP Board.
- Legal basis: Section 40 of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag)*
- Type of procedure: Data protection authority
- Possibilities of appeal: 2nd, 3rd and further instances
- Burden of proof: According to Section 31 of Administrative Procedure Act (434/2003) (*hallintolaki / förvaltningslag*), an authority sees to it that a matter is adequately and appropriately clarified by obtaining the information and accounts necessary for decision-making. A party provides information as to the grounds for her/his demand and also otherwise contributes to the clarification of the matter filed by her/him.
- Available mechanism to lower the burden of proof: None
- Requirement of legal representation: Only Data Protection Ombudsman may refer cases to the DP Board. Accordingly, complainant cannot initiate/be active in a procedure on her/his own.
- Is there free legal advice/representation available from a public body? No.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DP authority is the forum of procedure.
- Cost of procedure: Free.
- Average duration of procedure: Average duration of procedure in all the matters decided by the DB Ombudsman was 72,7 days in 2009, 93,6 days on 2010.[39]
- Outcomes for 2009, 2010, 2011. Data not available

[39] The Response of the Office of Data Protection Ombudsman, May 15, 2012 (on file with the author).

8) **Prohibiting processing of personal data which is contrary to the provisions of the Personal Data Act**:

- Range of possible outcomes: DP Board may prohibit processing of personal data which is contrary to the provisions of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag)* or the rules and regulations issued on the basis of it.
- Legal basis: Section 44 of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag).*
- Type of procedure: Data protection authority.
- Possibilities of appeal: The decisions are subject to appeal in accordance with the provisions of the Administrative Judicial Procedure Act (*hallintolainkäyttölaki / förvaltningsprocesslag*), which provides for the right of appeal to Administrative Court and Supreme Administrative Court. The Data Protection Ombudsman has a right to appeal based on Section 45 of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag).*
- Burden of proof: According to Section 31 of Administrative Procedure Act (434/2003) (*hallintolaki / förvaltningslag*), an authority sees to it that a matter is adequately and appropriately clarified by obtaining the information and accounts necessary for decision-making. A party provides information as to the grounds for her/his demand and also otherwise contributes to the clarification of the matter filed by her/him.
- Available mechanism to lower the burden of proof: None.
- Requirement of legal representation: Only the Data Protection Ombudsman may refer the case to the DP Board. Accordingly, complainant cannot initiate/be active in a procedure on her/his own.
- Is there free legal advice/representation available from a public body? The Data Protection Ombudsman provides direction and guidance on the processing of personal data according to Section 38 of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag).*
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The procedure must be initiated by Data Protection Ombudsman.
- Cost of procedure: The charge for a decision of the DP Board is €153 (2012), which is paid by the initiator of the procedure (i.e. the Data Protection Ombudsman).[40]
- Average duration of procedure: Data not available.
- Outcomes: During the review period, the board decided two cases where it was requested to prohibit the processing of personal data. In both cases, decided in 2009, the Board prohibited the processing of personal data.[41]

9) **Ordering the person concerned to remedy an instance of unlawful conduct or neglect**:

- Range of possible outcomes: DP Board may compel the person concerned to remedy an instance of unlawful conduct or neglect.
- Legal basis: Section 44 of the Data Protection Act (523/1999) (*henkilötietolaki / personuppgiftslag).*
- Type of procedure: Data protection authority.

[40] The Response of the Office of DP Board May 24, 2012 (on file with the author).
[41] Finland, DP Board (*Tietosuojalautakunta/Datasekretessnämnden*), decisions 2/2009, (18.3.2009) and 3/2009 (26.11.2009). See also www.finlex.fi/fi/viranomaiset/ftie/2009/.

- Possibilities of appeal: The decisions are subject to appeal in accordance with the provisions of the Administrative Judicial Procedure Act (586/1996) (*hallintolainkäyttölaki / förvaltningsprocesslag*), which provides for the right of appeal to Adminstrative Court and Supreme Administrative Court
- Burden of proof: According to Section 31 of Administrative Procedure Act (434/2003) (*hallintolaki / förvaltningslag*), an authority sees to it that a matter is adequately and appropriately clarified by obtaining the information and accounts necessary for decision-making. A party provides information as to the grounds for her/his demand and also otherwise contributes to the clarification of the matter filed by her/him.
- Available mechanism to lower the burden of proof: None
- Requirement of legal representation: Only the Data Protection Ombudsman may refer the case to the DP Board. Accordingly, complainant cannot initiate/be active in a procedure on his own.
- Is there free legal advice/representation available from a public body? No.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DP authority is the forum of procedure.
- Cost of procedure: The charge for a decision of the DP Board is €153 (2012), which is paid by the initiator of the procedure (i.e. the Data Protection Ombudsman).[42]
- Average duration of procedure: Data not available.
- Outcomes: During the review period, the board decided 12 cases where it was requested to remedy an instance of unlawful conduct or neglect. Of these, 11 cases concerned processing of personal data by so called instant loan companies. In four instant loan cases, DP Board ordered the companies to revise their loan processing practices to prevent a processing of wrong personal data. In seven cases, the order was denied. In another case, decided in 2010, the board stated that since the company in question had later applied for permission to process personal data, which was also granted to it by the Data Protection Board, the company had already remedied the unlawful conduct.[43]

10) Ordering the operations pertaining to the file to be ceased:

- Range of possible outcomes: DP Board may order that the operations pertaining to the file be ceased, if the unlawful conduct or neglect seriously compromise the protection of the privacy of the data subject or his/her interests or rights, provided that the file is not set up under a statutory scheme.
- Legal basis: Section 44 of the Data Protection Act (523/1999) (*henkilötietolaki / personuppgiftslag).*
- Type of procedure: Data protection authority.
- Possibilities of appeal: The decisions are subject to appeal in accordance with the provisions of the Administrative Judicial Procedure Act (586/1996) (*hallintolainkäyttölaki/förvaltningsprocesslag*), which provides for the right of appeal to Adminstrative Court and Supreme Administrative Court.
- Burden of proof: According to Section 31 of Administrative Procedure Act (434/2003) (*hallintolaki / förvaltningslag*), an authority sees to it that a matter is adequately and appropriately clarified by obtaining the information and accounts necessary for decision-making. A party provides information as to the grounds for her/his demand and also otherwise contributes to the clarification of the matter filed by her/him.
- Available mechanism to lower the burden of proof: none

[42] The Response of the Office of DP Board May 24, 2012 (on file with the author).
[43] The Response of the Office of DP Board May 24, 2012 (on file with the author).

- Requirement of legal representation: Only the Data Protection Ombudsman may refer the case to the DP Board. Accordingly, a complainant cannot initiate/be active in a procedure on her/his own.
- Is there free legal advice/representation available from a public body? No.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DP authority is the forum of procedure.
- Cost of procedure: The charge for a decision of the DP Board is €153 (2012) which is paid by the initiator of the procedure (i.e. the Data Protection Ombudsman).[44]
- Average duration of procedure: Information not available.
- Outcomes: None of the cases decided during the review period fell under this category.

11) Revoking a permission referred in section 43 of the Personal Data Act:

- Range of possible outcomes: DP Board may revoke a permission pertaining to processing of personal data.
- Legal basis: Section 44 of the Data Protection Act (523/1999) (*henkilötietolaki/ personuppgiftslag).*
- Type of procedure: Data protection authority.
- Possibilities of appeal: The decisions are subject to appeal in accordance with the provisions of the Administrative Judicial Procedure Act (586/1996) (*hallintolainkäyttölaki / förvaltningsprocesslag*), which provides for the right of appeal to Adminstrative Court and Supreme Administrative Court.
- Burden of proof: According to Section 31 of Administrative Procedure Act (434/2003) (*hallintolaki / förvaltningslag*), an authority sees to it that a matter is adequately and appropriately clarified by obtaining the information and accounts necessary for decision-making. A party provides information as to the grounds for her/his demand and also otherwise contributes to the clarification of the matter filed by her/him.
- Available mechanism to lower the burden of proof: None
- Requirement of legal representation: Only the Data Protection Ombudsman may refer the case to the DP Board. Accordingly, complainant cannot initiate/be active in a procedure on her/his own.
- Is there free legal advice/representation available from a public body? No.
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DP authority is the forum of procedure.
- Cost of procedure. The charge for a decision of the DP Board is €153 (2012) which is paid by the initiator of the procedure (i.e. the Data Protection Ombudsman).[45]
- Average duration of procedure: Information not available.
- Outcomes: None of the cases decided during the review period fell under this category.

[44] The Response of the Office of DP Board May 24, 2012 (on file with the author).
[45] The Response of the Office of Data Protection Board May 24, 2012 (on file with the author).