

Data responsibility and data processing agreements for TDC Brands services

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TDC Brands processes a range of personal data when delivering various services.

*The purpose of this document is to describe how TDC Brands - as either independent data controller or data processor – takes on responsibility for these processing activities for each individual service in order to comply with applicable law, including in particular Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and the Data Protection Act, No. 502/2018. This document provides an overview of the **information** about the processing of personal data which is incorporated in both the privacy policies and the data processing agreements that are part of the product terms or entered individually for a client.*

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1. Overview

TDC Brands offers a very wide range of services. However, in relation to the processing of personal data, the many services can be classified into three basic categories: *transmission of information*, *information storage* and *services*. These basic service categories are described below in section 2.

All TDC Brands' services contain a service element, such as the transmission of music, which can be attributed to a service category, for example *Music (fixed/mobile)*, which again can be classified under the three basic service categories. The service element in each of these service categories is described in section 4, and the appendix "Service Catalogs" provides an overview of, from which service categories each offered service obtains its service elements.

Within each service category, a range of personal data is processed for different purposes. This is described in more detail in sections 5 and 6.

When TDC Brands processes personal data, TDC Brands is either an independent data controller or a data processor.¹

TDC Brands follows the Danish Data Protection Agency's guidelines in determining whether TDC Brands should be considered as independent data controller or data processor.²

In cases of doubt, TDC Brands considers it particularly important to establish a transparent allocation of responsibilities that is clear to the data subject.³

If the basic service element within a service – e.g., mobile telephony - has such a character that it is most obvious to consider TDC Brands as independent data controller, and this service also contains an accessory service element – e.g., voicemail - for which TDC Brands could be considered a data processor in isolation, TDC Brands thereby considers itself independent data controller for all service elements under the service.

Section 3 describes, for each of the basic service categories, when TDC Brands considers itself as either independent data controller or data processor, and on that basis, it is possible to indicate in the appendix "Service Catalogs" when an offered service requires a data processing agreement.

As a customer, it is therefore possible to familiarize oneself with whether a data processing agreement must be entered with TDC Brands in the appendix "Service Catalogs". If this is the case, the data processing agreement will be incorporated into the terms and conditions, so that as a customer, one automatically obtains a data processing agreement.⁴

2. TDC Brands' basic services

TDC Brands provides three basic services:

1. Transmission of information
2. Information storage
3. Service

Transmission of information covers all services where the service element consists of provision of information from one location to another. This includes delivery of two-way communication, as is the case with regular landline telephony or mobile telephony as well as broadband connections, and one-way communication, as is the case when delivering a TV signal to the customer.

Information storage covers all services where the service element consists of storing information for the customer for more than a moment. This includes recording phone calls and managing a customer's mailbox with emails.

Service covers all services where the service element relates to the establishment of the basis for, and assistance in connection with, TDC Brands' or others' operation of services of the two

¹ TDC Brands is never a data processor for private customers.

² The Danish Data Protection Agency: *Vejledning om dataansvarlige og databehandlere*, november 2017.

³ Hereby Regulation (EU) 2016/679 art. 5(1)(a)

⁴ However, in some cases, the customer must enter into an individual data processing agreement with TDC Brands. See the appendix "Service Catalogs" for further details.

aforementioned categories. Service is therefore accessory to services in the form of transmission of information and information storage. This includes setting up communication equipment at the customer's location, monitoring network traffic for the customer, and managing members or employees at the customer's location.

3. Data controller or data processor

Basic services

When TDC Brands provides *transmission of information*, TDC Brands is subject to a number of legislative requirements regarding the processing of personal data. Therefore, TDC Brands is qualified as an independent data controller.

In cases where TDC Brands provides *information storage*, TDC Brands is largely subject to the customer's instructions. For example, it is generally the customer who determines how long the information should be stored. Therefore, TDC Brands is a data processor for business customers.

In cases where TDC Brands provides *service*, the main service element often consists of something other than the processing of personal data. For example, when TDC Brands sets up communication equipment, the main service element is to set up the equipment, and when TDC Brands monitors a network for a customer, the main service element is to ensure that the customer's network is functioning. Similarly, when TDC Brands provides a self-service solution, the main service element will often consist of giving the customer the opportunity to make purchases of service elements themselves, to set them up, or to provide information on consumption. In all such cases, TDC Brands is therefore an independent data controller.⁵

In other cases, TDC Brands provides *service* that consist of processing personal data under the customer's instructions. This is the case when TDC Brands handles the administration of the customer's employees, customers, or members in connection with the delivery of another service. Where the service element therefore consists of processing personal data on behalf of the customer, TDC Brands is a data processor regarding this service. For example, when TDC Brands, in connection with delivering TV signals to a housing or antenna association, makes its IT systems available for the association's administration of its members, or when TDC Brands, in connection with a telemedicine solution, in addition to transmitting the medical data, also processes data on behalf of the customer.

Composite services

Information storage is sometimes provided in combination with *transmission of information*. This is the case, e.g., when a mobile subscription includes the option of voicemail. To ensure a transparent allocation of responsibilities for the data subject, TDC Brands considers itself as

⁵ Hereby The Danish Data Protection Agency: *Vejledning om dataansvarlige og databehandlere*, november 2017, section. 3.1.1.

independent data controller for such cases where an accessory service is involved, for which TDC Brands *could* be considered a data processor in isolation.⁶⁷

Re-sold services

TDC Brands resells other suppliers' services in certain cases. In such instances, it will be the provider of the resold service who is the data controller and/or data processor for the service. This will be stated in the supplier's terms and conditions.

4. Service categories

1. Transmission of information		
<i>Service category</i>	<i>Service element</i>	<i>Examples</i>
Telephony (fixed)	Telephony where the terminal equipment can only be located at a fixed location	Fixed-line telephony Broadband telephony Hosted VoIP
Telephony (mobile)	Telephony where the terminal equipment does not need to be located at a fixed location	Mobile telephony
Text/image (fixed/mobile)	Communication using text/image	SMS and MMS
Video (fixed/mobile)	Communication using sound/image	Video over telephony solution
Unified Communication (UC)	Communication with voice, text and video	TDC Erhverv Video Room Systems Skype for Business Microsoft Teams Cisco Webex Pexip
Contact Center (CC)	Communication with voice, text and video	Genesys Cisco Webex Puzzle Microsoft Teams Zyline Competella Unity
M2M (mobile)	Machine-to-machine communication	Machine to machine IoT
Broadband (fixed)	Broadband connection with fixed termination point	Broadband copper Broadband COAX Broadband fiber
Broadband (mobile)	Broadband connection with mobile termination point	Mobile Broadband

⁶ See also The Danish Data Protection Agency's j.nr. 2005-321-0431.

⁷ However, this does not necessarily mean that TDC Brands is the sole data controller for the accessory service

element. E.g., under certain circumstances, the recipient of a voicemail may also be considered responsible for the processing of personal data in the voicemail, cf. Directive 1995/46, recital 47.

Data services (fixed/mobile)	Transmission of data	MPLS
TV over one-way connection	Transmission of TV over a one-way connection	TV over COAX
TV/movie over to-way connection (fixed/mobile)	Transmission of TV/movies over a to-way connection	TV over broadband connection
Music (fixed/mobile)	Transmission of music	YouSee Music
2. Information storage		
Recording of phone calls	Recording and storage of phone calls	TDC Secure Call Recording Pro TDC Erhverv Call Recording RecordIT Dubber on Demand Dubber Teams
Storage of e-mails	Storage and handling of emails	E-mail services
Storage of other data	Storage and handling of data	TDC Erhverv Cloud Netic (physical hosting)
3. Service		
Installation	Installation of technical equipment for the customer	Setting up of technical equipment at the customer's location.
Switch Board (hosting)	Configuration of networks for the customer	
Self-service solution	Option for the customer to serve themselves in connection with purchase/customization of service elements	TDC Self-Service Business My YouSee
Support	Support on technical equipment or in connection with other services	Technical support on site or via customer service center
System monitoring	Continuous monitoring of communication and data processing on technical equipment	Operation of firewall or router for different services
LAN Network	Configuration and monitoring of networks and firewall	Cisco Fortinet
Administration	Administration of the customer's customers/members	Administration of members in antenna association or housing association
Data processing	Processing of data specific to the particular service	Data processing in connection with telemedicine

5. Categories of personal data, processing and purposes

TDC Brands processes personal data for the purpose of delivering the individual service and to comply with legal requirements. TDC Brands only processes personal data that is necessary to fulfill these purposes and only for as long as it is necessary to fulfill the purposes.

The processing of each type of personal data serves its own purpose and can be summarized within five categories:

Category of personal data	Types of personal data	Processing and purposes
Identification information <i>(who?)</i>	Name, address, phone number, email address, etc. Furthermore evidential information: Passwords, IMEI, etc.	The information is processed as long as the service is used, in order to ensure that communication can take place, to be able to invoice, and to comply with regulatory requirements to identify who has communicated with whom.
Traffic data <i>(who sends information to whom?)</i>	Phone number, email address, IP address, etc.	The information is processed in order to transmit the relevant communication content to and from the correct parties, to document usage, and to comply with regulatory requirements to document who has communicated with whom. The information is processed for as long as necessary to ensure communication, but always at least as long as required by law.
Location information <i>(where is the user/user's terminal equipment located?)</i>	Location in relation to cell tower (tower position), location in relation to address, etc.	<i>As traffic data</i>
Service information	Information about the service provided.	The information is processed in order to provide the desired service.
Usage information <i>(to what extent is the service used?)</i>	Start time of communication, duration, specification of content (music track, movie, data amount, etc.)	The information is processed in order to invoice the customer.

Communication content <i>(what content is transmitted/processed?)</i>	Speech, text, images (including moving images), specification of content (music track, movie, etc.)	The information is processed in order to provide the service. As a starting point, only transmission of the communication content is carried out. In some cases, however, communication content may be stored, for example, when a user wishes to record a phone call or leave a voicemail. Communication content may also be stored when required by authorities. The communication content may also be subject to further processing, for example, based on a record of which movies a user has watched, suggestions may be made to the user to watch other movies.
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Disclosure of personal data

As a starting point, TDC Brands does not disclose the personal data collected in connection with the use of the individual service. However, TDC Brands discloses information to authorities to the extent required by law, and information is also disclosed to third parties to ensure that the individual service can be provided. This refers primarily to infrastructure providers. Thus, TDC Brands extensively uses subcontractors who are responsible for the provision and/or operation of part of the service, such as fiber cables, masts, antennas or various film providers - or who contribute with something accessory, such as printing invoices or providing technical support on the equipment that forms the basis for the service delivery.

In certain cases, personal data is disclosed to TDC Brands's vendors outside the EU/EEA. In these cases, TDC Brands has typically ensured the transfer by entering into an agreement based on the Commission's standard agreements for the transfer of information to non-secure third countries outside the EU/EEA. The basis for transfer may be another, for example the EU-U.S Privacy Framework.

6. Processing of personal data in the individual service categories

The processing that TDC Brands carries out within the different service categories are the following:

1. Transmission of information		
<i>Service category</i>	<i>Categories of personal information</i>	<i>Comments</i>

Telephony (fixed)	Identification information Traffic data Usage information Communication content	As a starting point, the communication content is never stored
Telephony (mobile)	<i>As Telephony (fixed) however in addition:</i> Location information	
Text/image (fixed/mobile)	<i>As Telephony (fixed/mobile)</i>	
Video (fixed/mobile)	<i>As Telephony (fixed/mobile)</i>	
Unified Communication (UC)	<i>As Telephony (fixed/mobile), Text/image (fixed/mobile), and Video (fixed/mobile)</i>	The communication content may be stored for shorter periods of time so that communication participants can become familiar with the content.
Contact Center (CC)	<i>As Unified Communication</i>	
M2M	<i>As Telephony (fixed/mobile)</i>	
Broadband (fixed/mobile)	<i>As Telephony (fixed/mobile)</i>	
Data services (fixed/mobile)	<i>As Telephony (fixed/mobile)</i>	
TV via one-way connection	<i>Communication content</i>	
TV/movies via two-way connection (fixed/mobile)	<i>As Broadband (fixed/mobile)</i>	
Music (fixed/mobile)	<i>As Broadband (fixed/mobile)</i>	
2. Information storage		
Recording of phone calls	Identification information Traffic data Communication content	Information is stored for a predetermined period, unless the information is deleted by the user beforehand
Storage of emails	Identification information Traffic data Communication content	Information is stored until it is deleted by the user
Storage of data otherwise.	Identification information Usage information	Information is stored until it is deleted by the user or until the time period agreed with the customer
3. Service		
Installation	Identification information	Identification information is registered regarding individuals at the customer's premises who are relevant for the installation. Furthermore, identification information about individuals who are relevant when the installed equipment is in operation may also be processed

Self-service solution	Identification information Service information	
Support	Identification information Communication content	The information is stored for as long as it is deemed relevant for the support case
System monitoring	Identification information Communication content	Identification information is registered regarding individuals at the customer's premises who are involved in the monitoring. Communication content is not processed for the purpose of identifying individuals, but solely for the purpose of ensuring that technical systems function properly
Administration	Identification information Usage information	The processing of identification information and usage information will not continue for longer than necessary for the customer. For example, if administration of an antenna association's members' use of services with TDC Brands is carried out, the processing will cease when the member leaves the antenna association
Data processing	Identification information Communication content	There is processing of identification information and the personal data contained in the communication content. The nature of this processing depends on the specific agreement with the customer/the nature of the service