



ROYAL NORWEGIAN MINISTRY  
OF LABOUR AND SOCIAL INCLUSION

EFTA Surveillance Authority  
Avenue des Arts 19 H  
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BELGIUM

Your ref  
88929

Our ref  
22/3509-

Date  
25 June 2024

**Answer to ESA's request for information in own initiative case  
concerning Nav's processing of IP addresses**

Reference is made to the letter of 6 February 2024 from the EFTA Surveillance Authority (the Authority), in which the Authority makes a supplementary request for information concerning the Norwegian Labour and Welfare Administration's (Nav) control activities and their compliance with the GDPR. The Ministry of Labour and Social Inclusion (the Ministry) will answer the questions of the Authority in numerical order. Finally, we will give our concluding remarks.

- 1. Given that usage of the Currency Transaction Register for control purposes has ceased, is (or has) any other method of control being exercised in the meantime?*

Nav's key purpose is to contribute to social and financial security. Persons insured under the National Insurance Scheme may be entitled to a wide range of benefits. In the Norwegian National Budget for 2024, the total benefit, allowance and pension payments equal approximately NOK 624 billion. It is important that these payments are made to the recipients that are entitled to them. Carrying out controls contributes to ensure this. Whilst controlling Nav's payments is of utmost importance, we recognize the necessity to be in compliance with privacy principles and the GDPR.

After the package meeting on 26 October 2023 (the 2023 Package Meeting), Nav ceased all use of register coordination with the Currency Transaction Register for control purposes. Nav has, however, recently informed us that they have continued to collect information from the Currency Transaction Register in individual cases, where there already was a suspicion that the conditions for receiving a benefit from the National Insurance Scheme were not met. The

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Ministry has instructed Nav to halt this practice until the necessary measures have been taken to ensure compliance with the GDPR and other relevant data protection principles.

As regards other methods of control, Nav uses different sources of information in individual cases where there is a suspicion that the recipient is residing abroad. The information that is obtained varies from case to case based on an assessment of necessity and proportionality. Amongst the sources of information that Nav has used, is bank account information collected from financial institutions in individual cases. According to the National Insurance Act section 21-4, Nav has the right to obtain the information necessary to check whether the terms for a benefit are met, will be met or have been met in past periods. Information concerning movements in the recipient's bank account can help confirm or disprove Nav's suspicion. Bank account information has been used in conjunction with other evidence and included in the overall assessment on whether a case is subject to reassessment and recovery of overpayments. The Ministry has instructed Nav to temporarily halt the use of bank account information, pending a data protection impact assessment for this practice.

We would like to have the opportunity to present this assessment at the 2024 Package Meeting.

- 2. Please provide a full summary of the measures taken to ensure compliance with the GDPR and other relevant data protection principles, including the results of the data protection impact assessment and measures taken to ensure compliance with the principle of data minimisation.*

In the letter of 8 January 2024, the Ministry informed the Authority that Nav will carry out a complete review of Nav's use of the Currency Transaction Register for control purposes. Unfortunately, this review has been more time consuming and challenging than first expected. Therefore, we are regrettably behind the schedule outlined in the aforementioned letter.

Since the 2023 Package Meeting, Nav has been working to ensure compliance with privacy legislation and clarify technical aspects for Nav's use of the Currency Transaction Register. Assessing compliance with the privacy legislation concerning Nav's use of the Currency Transaction Register entails a thorough proportionality assessment and DPIA, as well as advancing Nav's technical solutions for using the register. This process is complex and extensive and involves legal experts, IT professionals and organisational stakeholders in Nav and The Norwegian Tax Administration.

- 3. Please provide details of any circulars or similar instruments (including drafts thereof if the final versions are not yet available) intended to give effect to any new control regime implemented to supplant that which was withdrawn on foot of the 2023 Package Meeting discussions. Please provide English translations where possible.*

Any changes to existing circulars and guidelines will depend on comprehensive evaluations of the ongoing processes, as explained in this letter. These evaluations consider technical, legal and organizational factors. Hence, the circular to Chapter 21 of the National Insurance Act has not yet been updated. A revision and update of the circular will be made once the review is completed.

### **Concluding remarks**

At this moment we are not able to give a complete response to the Authority's questions in the letter of 6 February 2024. The Ministry would again like to emphasise that the Norwegian authorities are determined to ensure that Nav's control regime is in compliance with the GDPR.

The Ministry would like to thank the Authority for your patience thus far, as we continue to navigate these complexities. We appreciate our ongoing dialogue and look forward to continuing our collaboration. Before potentially resuming the use of the Currency Transaction Register, we will seek your assessment of our proposed measures.

Yours faithfully,

Camilla Landsverk  
Deputy Director General

Jens Sandbrekke Wolther  
Adviser

*This document is signed electronically and has therefore no handwritten signature*

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Arbeids- og velferdsdirektoratet