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<p>Legal basis: EU's General Data Protection Regulation (2016/679) Act on Transport Services (320/2017) Act on the Openness of Government Activities (621/1999) Data Protection Act (1050/2018)</p>		
<p>Modification details: These instructions replace the Instructions for generating market information products and statistics (TRAFICOM/467400/00.04.02.11/2019) issued by the Finnish Transport and Communications Agency Traficom and the instructions issued on 15 March 2024 for service providers.</p>		

## Instructions for generating market information products and statistics

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## 1 Purpose of instructions

As the administrator of the Transport Register, the Finnish Transport and Communications Agency Traficom (hereinafter Traficom) is responsible for the lawfulness of disclosure of data. Data disclosed from the Transport Register must be processed in such a way that the processing does not compromise the privacy, interests or rights of data subjects. The data must not be used for purposes that could undermine citizens' trust in the Transport Register.

These instructions apply to Service Providers that use data from the Transport Register to provide statistical and market information services. The instructions do not apply to other information services or direct marketing services.

The right granted to Service Providers to access data for the purpose of providing the service is not exclusive. Traficom may grant similar rights concerning other applicants and similar services, or carry out equivalent tasks itself. However, Traficom must treat all Service Providers equally. The purpose of these instructions is to support Service Providers in processing the data disclosed to them and to harmonise the practices for producing market information products and individual statistics based on such data.

These instructions replace the Instructions for generating market information products and statistics (TRAFICOM/467400/00.04.02.11/2019) issued by the Finnish Transport and Communications Agency Traficom and the instructions issued on 15 March 2024 for service providers.

## 2 Concepts

**Anonymisation** means the processing of personal data so that the person in question can no longer be identified on the basis of the data. Identification must be irreversibly prevented and carried out in such a way that the controller or any other third party cannot use the information in its possession to convert the data back into an identifiable form. (tietosuoja.fi)

**Customer and customer organisation** mean the Service Provider's customer who uses the service and to whom the Service Provider further discloses data.

**Personal data** means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. (GDPR Article 4)

A vehicle's registration number and vehicle identification number (VIN) are also considered personal data when they can be used to identify a natural person.

When business activities are carried out by a private trader, the trader's name and business identity code (business ID) constitute personal data (Supreme Administrative Court of Finland, KHO:2025:14).

**Processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller. (GDPR Article 4)

**Act on the Openness of Government Activities** means the Act on the Openness of Government Activities (621/1999).

**Act on Transport Services** means the Act on Transport Services (320/2017).

**Market information service** means a user interface service through which Customer Organisations themselves generate Market Information Products and/or Statistics from data disclosed from the Transport Register. A Market Information Service produces transport-related market information for various business needs.

**Market information product** means a data set based on data disclosed from the Transport Register that does not include personal data relating to vehicles or vehicle identifiers (vehicle identification number and registration number). A Market Information Product may be generated through the user interface of the Market Information Service, or it may be disclosed to the Customer as a completed product.

**Service** in these instructions means the Market Information Service described above and/or the production of a Market Information Product and/or individual Statistics.

**Service description** means the appendix to the Data Permit in which the Service Provider has described and documented in detail the operation of the Service and the use of the data processed in connection with it. The Service Description also constitutes the Service Provider's application for the disclosure of data in the relevant administrative procedure.

**Service provider** means an organisation that provides the Service described in the Service Description on the basis of a Data Permit issued by Traficom.

**Register** means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis. (GDPR Article 4)

The Transport Register maintained by Traficom constitutes a register (i.e. filing system) within the meaning of the General Data Protection Regulation (GDPR). The personal data disclosed by Traficom to the Service Provider also constitutes a register within the meaning of the GDPR. This register of disclosed data is separate from the Transport Register, and the Service Provider is independently responsible for its maintenance as well as for the responsibilities and obligations of a controller under the GDPR.

**Controller** means a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. (GDPR Article 4)

When the Service Provider processes personal data disclosed by Traficom for the purposes of its service, the Service Provider is, for these processing operations, a controller within the meaning of the GDPR.

**Data subject** means a natural or legal person to whom the data contained in each register relates.

**Data** means data concerning means of transport, transport operators or natural persons that Traficom discloses from the Transport Register and that the Service Provider processes in processing operations related to the provision of the Service or discloses onward to its own Customer Organisations.

**Data permit** means an administrative decision issued by Traficom on the basis of which data from the Transport Register is disclosed to the Service Provider. A Data

Permit may also grant permission for the onward disclosure of data disclosed from the Transport Register to the Service Provider's Customer Organisations.

**Data protection** is a fundamental right that safeguards the rights and freedoms of data subjects in the processing of personal data. The purpose of data protection is to define when and on what conditions personal data can be processed. (tietosuoja.fi)

**General Data Protection Regulation** (also referred to as 'GDPR') means the General Data Protection Regulation of the European Union (2016/679).

**Information security** is one of the means of implementing data protection. Its purpose is to protect data resources and information systems. Information security refers, among other things, to organisational and technical measures ensuring the confidentiality and integrity of data, the availability of systems, and the realisation of the rights of the data subject. (tietosuoja.fi)

**Statistics** are processed numerical data that may be presented graphically or in tables. Statistical data is public information and may never include identifying information on statistical units (e.g. means of transport and owners/holders). Statistics must be prepared in such a way that those to whom the statistics relate cannot be identified, either directly or indirectly. Vehicle owners or holders must not be identifiable on the basis of statistics. Statistics may include only a result set if there are 5 or fewer observations. In such cases, the result set is shown as class data, for example 1–5 results. Statistics may include the exact number when there are more than 5 results.

### 3 Processing of personal data

All processing of personal data carried out by the Service Provider must be well planned and justified for the purposes of providing the Service.

As regards the concept of personal data, it should be noted that its definition is quite broad and covers information that can be directly or indirectly connected to a natural person. According to a legal principle established in EU case law, in assessing whether a person is identifiable, it is first necessary to identify the means that the controller or another person could use, directly or indirectly, to identify the data subject. Second, it must be assessed whether such means are available to the controller or another person, taking into account all objective factors, such as the cost of identification, the time required for identification, and the technology available at the time of processing as well as technological developments. EU data protection authorities have also frequently emphasised both the possibility of identifiability by combining different types of information and the case-specific nature of the assessment of identifiability.

In a decision of the Finnish Data Protection Ombudsman of 8 June 2022 concerning the exercise of the data subject's right of access to vehicle maintenance history data (published on the Finlex.fi service), the Data Protection Ombudsman considered that vehicle maintenance history and repair data are, in principle, personal data within the meaning of the GDPR. In the reasoning of the decision, the Data Protection Ombudsman noted, among other things, as a relevant case-specific factor, how information about a vehicle owner based on the vehicle's registration number can be easily obtained by anyone at a very reasonable cost.

### **3.1 Data protection roles**

Under the GDPR, personal data can be processed as a controller, a processor or a joint controller.

According to the definition in the GDPR, a controller is the party that determines the purposes and means of the processing in question.

A processor is a natural or legal person that processes personal data on behalf of the controller. The processor is a separate entity from the controller and processes personal data on behalf of the controller. The processing of personal data on behalf of the controller may include, for example, technical processing of the data.

In the case of a joint controller, more than one party is involved in the processing of personal data. In such cases, two or more parties jointly determine the purposes and means of the processing operations.

#### **3.1.1 Service Provider as controller**

The Service Provider is the controller, with the related obligations, when processing personal data received from Traficom. The Service Provider is independently responsible for carrying out its obligations as a controller, such as implementing data protection by design and by default in its Service. The Service Provider is thus responsible for ensuring the lawfulness of the processing of the data disclosed to it and for compliance with the other conditions for the disclosure of data. The Service Provider is thus always responsible for the information security, data protection and continuity management of the Service it provides.

The Service Provider's processing of personal data and data protection measures must meet the requirements for controllers under the GDPR, ensuring that the interests, fundamental rights and freedoms related to the data subject's privacy and the protection of personal data are properly safeguarded, and that the rights of the data subject are guaranteed. As the disclosee of data, the Service Provider must implement and document appropriate technical and organisational measures in the manner required by the GDPR accountability obligation to ensure the protection and level of security of the processing of the disclosed personal data.

The Service Provider must also take particular note of the fact that it is deemed to determine the purposes and means of the processing of personal data in respect of the data it processes for the provision of its services, and must therefore be regarded as the controller for such processing within the meaning of the GDPR.

As a controller, the Service Provider has an independent obligation to ensure the fulfilment of the rights of data subjects under the GDPR, including the obligation to provide the information specified in Article 14 concerning the processing of data subjects' personal data.

For the purpose of informing data subjects, Traficom specifies and sets out on its website the disclosees and Service Providers to whom data from the Transport Register are disclosed for different purposes under the Act on Transport Services. Where possible, Traficom may also provide links to the identified Service Providers' own websites.

The Service Provider is in all circumstances responsible for the proper processing of personal data as well as for data protection and information security in relation to the processing of personal data.

The Service Provider must not use or otherwise exploit the personal data it processes for any purpose other than the purpose of use specified in the Service

Description, and only to the extent required for that purpose. The Service Provider must not combine personal data contained in the data sets with natural persons by using other data sets or information services, or by any other means. The Service Provider must ensure that the persons acting under its authority process personal data in accordance with the instructions issued by Traficom.

The Service Provider may give the data disclosed to it to a subcontractor acting on its behalf for the technical processing necessary for the implementation of the Service. The technical processing must be described in the Service Description, and when transferring the data, the data protection requirements set out in the Data Permit must be taken into account.

The Service Provider is obliged to ensure, through contractual provisions between the Service Provider and the Customer Organisation and by other means reasonably available to it, that the Customer Organisation does not use the data in violation of the Data Permit, instructions or the law.

The Service Provider must, to the best of its ability, promote the implementation of data protection and information security in its own operations and in those of its subcontractors.

The Service Provider is obliged to notify Traficom without delay of any errors it has detected in the Data.

## **3.2 Lawfulness and security of personal data processing**

### **3.2.1 Points to note in the processing of personal data**

The task of the Office of the Data Protection Ombudsman in Finland is to promote public awareness and understanding of the risks, rules, safeguards and rights relating to the processing of personal data.

On its website, the Office of the Data Protection Ombudsman provides guidance on what organisations must take into account when processing personal data. All Service Providers that process personal data received from Traficom should consult this guidance from the Office of the Data Protection Ombudsman.

See: [Tietosuoja.fi](https://tietosuoja.fi) ➔ Organisations

### **3.2.2 Data set management**

The Service Provider must have written instructions on the management of data sets within its organisation.

The instructions should include at least the following:

- Instructions for processing data sets throughout their lifecycle. Data disclosed by Traficom may be used solely for the purpose explicitly defined in each permit decision or agreement.
- Instructions issued to prevent unauthorised use of data sets.
- Security specifications for activities supporting data set security, such as personnel security and the security of the operating and physical environment.
- The person responsible for the management of data sets.

### **3.3 Processing of personal identity codes**

According to section 29 of the Data Protection Act (1050/2018), a personal identity code may be processed if the data subject has given consent to it or if so provided by law. A personal identity code may also be processed if the unambiguous identification of the data subject is important, as provided in section 29, subsection 1, paragraphs 1–3 of the Data Protection Act. Under the Act, a personal identity code may also be processed, among other things, for historical or scientific research or for statistical purposes.

When using data from the Transport Register, particular care must be taken to ensure that the conditions defined by law are always met when processing personal identity codes. The processing of personal data must be planned so that a personal identity code is processed only when necessary, and unnecessary processing of personal identity codes is avoided.

Traficom will not disclose personal identity codes to the Service Provider unless their necessity is evident from the Service Description and the processing meets the conditions defined by law.

### **3.4 Non-disclosure of data**

Natural persons may, as provided by law, prohibit the disclosure of their personal data from the Transport Register for various purposes, including, in the case of data disclosures covered by these instructions, transport-related purposes under section 228 of the Act on Transport Services.

The prohibitions on data disclosure discussed below are based on section 231 of the Act on Transport Services and restrict the use of register data covered by these instructions.

- Non-disclosure of data for transport-related purposes: Transport-related purposes include, for example, the provision and development of transport services, research, address and information services, and updating of register data. A person has the right to prohibit the disclosure of their personal data for such transport-related purposes. The prohibition on disclosure, however, does not prevent the disclosure of a vehicle's registration number or vehicle identification number.
- Non-disclosure for personal safety reasons is a specific protective measure intended to protect a natural person. A non-disclosure for personal safety reasons recorded in the Population Information System is automatically transferred to the Transport Register maintained by Traficom. In respect of the Transport Register, the non-disclosure for personal safety reasons prevents the disclosure of both the name and contact details in the situations referred to in section 227, subsection 1, paragraphs 2–4 as well as sections 228 and 229 of the Act on Transport Services. Traficom will not disclose data subject to a non-disclosure for personal safety reasons to Service Providers.

### **3.5 Transfer of personal data abroad**

Personal data may be disclosed to European Union (EU) Member States and countries belonging to the European Economic Area (EEA) on the same grounds as they may be disclosed and otherwise processed in Finland. However, national legislation may impose conditions on the disclosure of personal data that must be taken into account when considering the transfer of data. The non-disclosure provisions laid down in national legislation must also be observed in the disclosure of data.

In order for Traficom to ensure the lawfulness of the disclosure of data, data disclosed by Traficom may, as a rule, be processed and stored only within the EU/EEA area. If a derogation from these principles is sought, the derogation must be notified to Traficom and described in the Service Description in advance for approval.

The making available of personal data or any other transfer outside the EU/EEA to so-called third countries requires particular consideration and specification of the transfer basis in accordance with the GDPR, irrespective of whether the data are transferred to a subcontractor acting as a processor of personal data or to another controller. The Service Provider has no right to transfer personal data disclosed to it by Traficom outside the EU/EEA without Traficom's prior written approval, whether general or specific.

### **3.6 Reporting of personal data breaches**

The Service Provider must notify Traficom without delay of any possible or actual personal data breach concerning the disclosed data, or of any processing of the disclosed data in violation of data protection legislation, the conditions of the Data Permit or these instructions, immediately upon becoming aware of the breach or its possibility.

The Service Provider must provide Traficom without delay with a written description of the breach or incident and the measures taken in relation to it. The description must include information on the categories and estimated numbers of data subjects and data affected by the breach.

The Service Provider must, by the means available to it, take appropriate measures to prevent and/or remedy the above-mentioned situation and to minimise any harm and damage caused by the situation.

## **4 Disclosure of data from the Transport Register**

### **4.1 Grounds for disclosure of data**

Under section 228 of the Act on Transport Services, Traficom may disclose data from the Transport Register for the following transport-related purposes:

- 1) provision and development of transport services;
- 2) opinion polls and market research, direct marketing and other address and information services;
- 3) updating contact details and data on means of transport entered in a customer register;
- 4) other similar purposes approved by the controller.

In addition to the conditions laid down in the Act on Transport Services, Traficom assesses, on the basis of data protection legislation and the Act on the Openness of Government Activities, whether the disclosure of data could be suspected of violating the privacy of a person or his/her interests or rights or the security of the state.

Before disclosing data, Traficom also assesses whether the purpose of use of the data is such that it may compromise citizens' trust in the Transport Register.

The Service Provider must describe in the Service Description the transport-related purposes of the Service in such a way that the grounds and conditions for disclosure can be considered fulfilled.

## **4.2 Assessment of conditions for disclosure of data**

Traficom assesses a company's suitability as a Service Provider on the basis of, among others, the following criteria:

- The company must be reliable, and its credit record must show no payment defaults.
- The company must have sufficient expertise as well as the technological and other relevant capabilities to develop its Services, conduct its operations effectively and ensure a high level of information security and data protection and a comprehensive consideration of privacy.
- The company must be able, even before starting the provision of the Service, to meet the requirements set out not only in the general terms and conditions of the applicable Data Permit but also in these instructions and in the information security and data protection appendix to the Service Description included in the data permit application.

## **5 Provision of the Service**

For the production of Market Information Products and Statistics, data sets that may be supplied from the Transport Register on the basis of a Data Permit include first registration data, vehicle and company customer data, technical vehicle data, vehicle stock statistics data, and/or registration event and insurance change data.

### **5.1 Points to note in the provision of the Service**

The use of data disclosed from the Transport Register in the production of Services and/or in product and service development must not be contrary to good practice, nor may it be connected with any other inappropriate service or product.

The data obtained from the Service must not be used unlawfully, or for a purpose or in a manner that would compromise the privacy of individuals.

Data on the following company types must not be utilised in the provision of the Service, nor may such data be disclosed from the Service:

- Police unit
- Finnish Border Guard unit
- Defence Forces unit
- Other government agency

In the implementation of Services based on data from the Transport Register, the accuracy and correctness of the data must be ensured. Data found to be incorrect must be capable of being rectified without undue delay.

Data disclosed under a Data Permit must not be used for the production of direct marketing services by disclosing contact details contained in the Transport Register for direct marketing purposes or by disclosing data in connection with a direct marketing event. Disclosure of Transport Register data for the purposes of a direct marketing campaign, and the use of such data, for example, in marketing material,

is subject to Traficom's agreement on direct marketing services and requires a separate Data Permit issued by Traficom. Data disclosed for a Service may be used only for the purpose for which it was disclosed under the Data Permit. Individual natural persons must never be identifiable through the service.

No customer register may be formed directly from the Data disclosed from the Transport Register.

## **5.2 Service Description**

The implementation of a Service based on data disclosed from the Transport Register requires a Service Description approved by Traficom as well as a Data Permit decision by Traficom for the disclosure of data to the Service Provider. Data disclosed for a Service may only be used for the purpose for which it was disclosed under the Data Permit decision.

The Service Provider is responsible for ensuring that the Service produced is in accordance with the approved Service Description. Any changes to the Service must be updated in the Service Description and approved by Traficom before being implemented.

## **5.3 Data communications connections and intermediary service**

The provision of data from the Transport Register for use by the Service Provider requires that the Service Provider concludes an intermediary service agreement with the intermediary service provider designated by Traficom.

The Service Provider is responsible for the intermediary service and its data communications connections, as well as for all costs arising therefrom. Traficom's intermediary service for data may be temporarily unavailable due to updates, maintenance or installation of equipment, or other necessary reasons. Traficom will endeavour to inform the Service Provider of service interruptions as early as is reasonably possible in the circumstances.

## **5.4 Restriction of use of data**

The data disclosed to the Service Provider must be protected by means of authentication. Access rights and credentials must be personal, and the terms of use of the data must be linked to the user ID.

Access rights must be restricted in accordance with the role of the data processor.

## **5.5 Data storage**

Data disclosed from the Transport Register may be stored only in the manner approved in the Service Description. Personal data and vehicle identifiers may be stored or retained on the Service Provider's server only for as long as is technically necessary for the implementation of the approved purpose of use and operations.

The Service Provider must ensure that the Data is erased once it is no longer needed for the purpose of use and at the latest upon the expiry of the approved storage period. Outdated data must not be used in the provision of the Service. In the provision of the Service, the Service Provider must use the most recently updated data set received, and any previously received data set must be destroyed.

## **5.6 Source attribution**

A Service utilising data disclosed from the Transport Register must indicate that the Finnish Transport and Communications Agency Traficom and the Transport Register have been used as the source of the data.

Where several registers have been used as sources of the Service, the context must, by means of appropriate markings, clearly show which Data has been obtained from Traficom's Transport Register. The Service Provider must ensure that data disclosed from the Transport Register is not incorrectly combined with data obtained from other sources.

If the information is provided on a website, it must also include working links to such pages of Traficom's website that contain further information on prohibitions on data disclosure (non-disclosure of personal data) and through which, or in the manner instructed, data subjects may check and activate non-disclosures.

## **5.7 Log entries**

The Service Provider must ensure that all processing of data is recorded in the Service Provider's log register and that persons who have processed data disclosed from the Transport Register are identifiable afterwards. Log data must be retained for at least 24 months. Traficom requires that the log register record a timestamp, the search parameter and the user's identifier.

The Service Provider must provide the log data to Traficom upon request.

## **5.8 Supervision**

To ensure the continuous fulfilment of the conditions for disclosure of data, the Service Provider must on its own initiative and systematically supervise that the data disclosed to it are processed in accordance with the Data Permit, the instructions issued by Traficom and the applicable legislation.

### **5.8.1 Self-monitoring**

The Service Provider must carry out independent and proactive monitoring of the Service. In such monitoring, particular attention must be paid to the proper use of the data processed, the necessity of the data and the accuracy and up-to-dateness of user access rights.

The Service Provider must prepare an annual self-monitoring plan. The plan must be submitted to Traficom upon request. The plan must address the continuous assurance and strengthening of data protection and information security practices and their implementation.

The Service Provider must take the necessary measures to prevent, avert, combat and prepare for misuse, negligence and other deficiencies in operations. If the Service Provider detects misuse, negligence or other deficiencies in the processing of data, it must notify Traficom without delay. In addition, the Service Provider must, by the means available to it, endeavour to interrupt such misuse and minimise the harm and damage caused.

### **5.8.2 Complaints**

The Service Provider is obliged to forward to Traficom without delay any complaints or remarks from internal users of the Service or from Customer Organisations concerning possible deficiencies or errors in the Data.

The Service Provider is independently responsible for any complaints or remarks concerning its own Service. Traficom will forward to the Service Provider any complaints or remarks it receives concerning the Service.

### **5.8.3 Audit**

Traficom may, where necessary, appoint an independent auditor to verify that the Service Provider has fulfilled the obligations and responsibilities set out in the Data Permit and has complied with the instructions and regulations issued by Traficom. The audit shall be carried out in such a way that it does not cause unreasonable disruption to the normal business operations of the Service Provider.

## **5.9 Changes in the Service Provider's organisation**

As part of its obligations as controller, Traficom must assess the lawfulness of data disclosure, and therefore it must also have up-to-date information on the Service Provider. If a Service approved by Traficom is to change ownership, the Service Provider must contact Traficom well in advance of the transfer of the Service to another Service Provider. The new owner may not put the Service into use until Traficom has assessed the lawfulness of the data disclosure and a Data Permit for the Service has been granted to the new owner by a Traficom decision.

The Service Provider is responsible for ensuring that its staff and persons acting on its behalf are aware of the conditions for processing the disclosed data and that the conditions of the Data Permit granted to the Service Provider are complied with.

The Service Provider may use a subcontractor to process data on its behalf. However, the Service Provider must have the subcontractor approved by Traficom before disclosing any data. The Service Provider must ensure that subcontractors are informed of the conditions of the Data Permit to the same extent and with the same content as the Service Provider. The subcontractor must destroy the disclosed Data in a reliable and secure manner once the data are no longer needed for processing.

## **5.10 Testing and validation of the Service**

Before deploying the Service, the Service Provider must test the Service in accordance with Traficom's instructions using the test data supplied by Traficom.

If the Service is a Market Information Service in which Data from Traficom is displayed or data is derived from Traficom's Data, the Market Information Service shall be validated at Traficom after the Service Provider has carried out the testing. The Service Provider shall perform the testing of a new Market Information Service or of changes to an existing Market Information Service in the test environment. Testing must not be performed in the production environment. Testing arrangements shall be agreed separately with Traficom's contact persons. For the testing of each Market Information Service or service change, Traficom shall draw up a test plan together with the Service Provider. The Service Provider shall provide its own schedule estimate and designate a contact person for the testing in the test plan.

The Service Provider is responsible for its own system testing. Testing is concluded when the Service Provider reports that all test cases have been successfully completed. Traficom shall verify the data content of all new Market Information Services and service changes to be taken into production. Validation of the Service shall be performed in the test environment. Once the Market Information Service has been validated and approved for transfer to production, the Market Information Service shall be approved for production use and the production connections may be opened.

### **5.11 Marketing and demonstration of the Service**

The Service Provider has the right to market the Service under its own name and trademark, subject to compliance with the specific instructions on source attribution. However, the Service Provider shall remove or amend its marketing material if Traficom, on reasonable grounds, considers it to be contrary to good practice or to the Data Permit, or to contain incorrect or misleading information concerning the Data disclosed or the Service. Marketing material must not contain data disclosed to the Service Provider.

Traficom's website includes links to each Service Provider's website. The Service Provider is responsible for providing Traficom with a link to its up-to-date website.

When the Service is used for demonstration purposes, data searches must not be directed at Traficom's production database or test database, but must instead use another Anonymised database of the Service Provider that is suitable for this purpose.

## **6 Use of the Service**

### **6.1 Presentation and onward disclosure of data from the Service**

The onward disclosure of data from the Service requires a permit granted by Traficom. The Service Provider has no right to give a Customer Organisation access to the Market Information Service or to Market Information Products before Traficom has granted a permit for the onward disclosure of data. The Service Provider must submit a data permit application for the onward disclosure of data to a Customer Organisation using Traficom's electronic form.

Data permits for onward disclosure are organisation-specific based on the business ID, meaning that a separate permit must be applied for each company using the Service. A separate permit does not need to be applied for each establishment/branch of the Customer Organisation. However, the Service Provider must ensure that all establishments of the Customer Organisation using the Service are informed of the conditions of the permit as described above. In the event of organisational changes in the Customer Organisation, a new Data Permit must be applied for if the right to use the Service is to be transferred to another legal person.

The Service Provider may disclose data obtained from the Transport Register only through its Service. Any onward transfer of the disclosed data from the Service must be carried out in accordance with the Service Description. The Service Provider must for its part ensure that the Customer Organisation of the Service does not disclose the Data onward to a third party.

The Service Provider must inform Customers of the purposes of use of the Service and that the Service may not be used for any other purposes.

The data content returned by data set extraction must not be displayed as such to the user of the Service. In the Service, the Service Provider may present data disclosed from the Transport Register only to the extent specified in the Service Description. The Data cannot be disclosed, used or published for any other purposes or to any other extent.

To ensure the lawful use of the disclosed data, the Service Provider must ensure that the conditions of the Data Permit are observed in the processing of data disclosed

from the Transport Register also when the data is disclosed to Customer Organisations.

The Service Provider must retain control over the processing of the Data disclosed in the Market Information Service and over all Customer Organisations of the Service at all stages of processing of the data as defined in the Service Description. The Service Provider must ensure that the disclosed Data is stored, protected and erased appropriately in accordance with the GDPR, the Data Protection Act, the Act on Transport Services and other provisions safeguarding data protection.

The Service Provider must notify Traficom without delay if a Customer Organisation decides to discontinue the use of the Market Information Service during the validity of the permit for onward disclosure of data.

## 6.2 User IDs for the Service

In Services provided for companies, it must be possible afterwards to verify who has processed data disclosed from the Transport Register, and therefore the use of the Service must require registration. Traficom requires personal user IDs for Services provided to companies. The Service Provider is responsible for rights management and for keeping access rights up to date.

## 7 Points to note in the production of Market Information Products

- **A Market Information Product must not contain personal data relating to vehicles or vehicle identifiers (vehicle identification number and registration number).**
  - Although a Market Information Product may contain company data, it must not include the name or business ID of a private trader. When activities are carried out by a private trader, the trader's name and business ID are considered personal data under the GDPR. Natural persons must never be identifiable on the basis of a Market Information Product.
- **A Market Information Product must not reveal any trade secrets possibly included in a company's vehicle fleet or any other non-disclosable information relating to private business operations.**
  - A company's vehicle fleet may contain trade secrets or other non-disclosable information relating to private business operations. Non-disclosure must always be assessed on a document- and data-specific basis. By its nature, an assessment of whether information constitutes a trade secret generally requires obtaining the views of the potential holder of the trade secret.
  - A trade secret or other non-disclosable information may, for example, be contained in individual vehicle categories for certain companies, such as the quantity or type of special-purpose vehicles.
  - Since Traficom cannot assess specific data in sufficient detail to determine its availability for public access, **it is not, as a rule, permissible for the Service to display the exact number of a company's vehicles, either in total or by vehicle category.**
  - Any exceptions to the above, such as the presentation of data with the consent of the companies concerned, must be described in the Service Description and in the data permit application, which must also include

sufficient justification for the data-specific assessment of public availability.

- **The total number of a company's vehicles or the number of vehicles in an individual vehicle category may be reported as a numerical category** as follows:
  - The size of the numerical category must be at least 5 units when the number of results is fewer than 100 (e.g. 1–5, 6–10, 11–15). The minimum size must be increased proportionally according to the number of results:
  - At least 50 units when the number of results is between 100 and 1,000.
  - At least 100 units when the number of results is between 1,001 and 10,000.
  - At least 500 units when the number of results exceeds 10,000.
- When using the Market Information Service and when producing a Market Information Product, a delimiting criterion must be applied.
  - Examples of delimiting criteria include vehicle make, model, model year, vehicle category, type of ownership or type of holding relationship. A postal code may also be used as a geographical delimiting criterion. The delimiting criteria must be described in the Service Description and/or in the data permit application for onward disclosure.
  - Note: When Statistics are produced in the user interface of the Market Information Service and a geographical delimiting criterion is applied, results of fewer than 5 units must not be displayed. If the result of a search is 0 units, this may be displayed in the Service.
- When data from the Transport Register is displayed through the user interface of the Service, the source of the data must be indicated as the Finnish Transport and Communications Agency Traficom, Transport Register. Where several different sources or registers are used, all sources must be listed separately.
- Company type codes contained in the data set must not be displayed or used in the Service.
  - The company type codes are specified in the code list extract.
- Data on the following company types included in the data set must not be used in the production of the Service or be disclosed from the Service:
  - Police unit
  - Finnish Border Guard unit
  - Defence Forces unit
  - Other government agency
- Statistics in which counts of fewer than 5 are presented as exact figures are deemed to constitute a Market Information Product, the disclosure of which requires a Data Permit granted by Traficom.

## 8 Points to note in the production of Statistics

When the Service Provider produces and discloses to a Customer Organisation a completed individual set of Statistics based on the Transport Register, and the Customer Organisation does not itself generate the Statistics from the data set, no Data Permit needs to be applied for by the Customer Organisation.

- Statistics must never contain data identifying vehicles (such as the registration number or vehicle identification number), data on vehicle owners/holders or any other identifying information on statistical units.
- Individual natural persons or legal persons must never be identifiable on the basis of Statistics. With regard to the identifiability of natural persons, see also the separate chapter of these instructions concerning matters to be considered in the processing of personal data. Note the broad scope of the definition of personal data, in particular.
- Where Statistics based on data from the Transport Register are presented publicly, the source must be indicated as the Finnish Transport and Communications Agency Traficom, Transport Register. Where several different sources or registers are used, this must be stated and the sources listed separately.
- Statistics may only contain numerical data as follows:
  - If there are 5 or fewer observations, Statistics may only contain a result set. In such cases, the result set is shown as class data, for example 1–5 results.
- If there are more than 5 results, Statistics may contain the exact number.

## 9 Fees and revenue recognition

Traficom shall invoice the Service Provider monthly in accordance with the valid price list, based on the data sets delivered and the data reported.

### 9.1 Fixed prices

A fixed fee shall be charged for the delivery of data sets in accordance with the valid price list. The data sets to be used in the Service are specified in the Service Description.

### 9.2 Sales-based prices

The Service Provider must send Traficom, by email, a report on the disclosures of data made during the previous month, Customer by Customer, within the first seven working days of each month.

#### 9.2.1 Market Information Services

Data generated through the Market Information Service is recognised as revenue in accordance with the valid price list as monthly licence fees. Licence fees are company-specific monthly fees per data set used in the Service. The fee includes the disclosure of Market Information Products and Statistics generated from the same data set to the Customer via the Market Information Service. The licence fee is

charged continuously for a single Customer. The fee also includes the possibility of providing separate statistics generated from the same data set to the Customer.

The revenue breakdown shall state the name of the Customer Organisation, the scope of the licence (comprehensive/limited data on first registrations, stock, vehicle and company customer data, technical vehicle data), and the document register number of the Data Permit.

### **9.2.2 Completed Market Information Products and Statistics**

Completed Market Information Products and Statistics are recognised as revenue in accordance with the valid price list as individual statistics. The revenue breakdown shall state the name of the Customer Organisation, the date of disclosure, and, in the case of Market Information Products, the document register number of the Data Permit.

## **10 Suspension or termination of data disclosure**

If misuse or negligence is suspected in the use of the data, or if the conditions for granting the Data Permit are no longer met and the errors or deficiencies in the conditions are not corrected within the prescribed time, Traficom may request an explanation of the processing and use of the data, suspend the disclosure of data or take other necessary measures, and, if necessary, revoke the Data Permit.

Traficom may, in exceptional circumstances, suspend the disclosure of data without hearing the Service Provider if, in Traficom's assessment, hearing the Service Provider could jeopardise the purpose of a restriction, prohibition or requirement set by law or in the Data Permit concerning the use, disclosure other processing or protection of the Data. Such a situation may arise, for example, where the investigation, prevention or mitigation of harm caused by a suspected or identified personal data breach or other incident compromising the security of the data does not tolerate delay.

Traficom shall notify the Service Provider in writing of the suspension of Data disclosure and shall issue a separate decision on any amendment or revocation of the permit or restriction of operations. If the disclosure of Data has been suspended without hearing the Service Provider, Traficom shall endeavour to hear the Service Provider without undue delay.

## **11 Key legislation**

The key legal basis consists of:

- Act on Transport Services (320/2017)
- EU General Data Protection Regulation (2016/679)
- Data Protection Act (1050/2018)
- Act on the Openness of Government Activities (621/1999)