

12. CONCLUSIONS

One of the elements to take into account when implementing a waste collection system is the personal data protection. At this point, it should be noted that local entities with competence in waste collection can process the data that is strictly necessary.

The processing of this data is legitimate in the performance of a mission of public interest or in the exercise of Public Authority. In this way, it is not necessary to obtain the consent of the concerned data subject in the provision of the waste collection service. When waste collection involves profiling that has an effect on the person using the service, such as whether a bonus is envisaged on the basis of individual contributions made, one of the following is required: the consent of the concerned data subject, the provision of an EU or Member State law for such profiling, or a contract between the data subject and a data controller.

It is also necessary to assess whether, before putting the waste collection system into operation, it is necessary to carry out a data protection impact assessment, especially if there is profiling in the established terms, as in the case of the pay-as-you-throw schemes.

Finally, it should be noted that any company or entity that provides a service to a local body within the framework of the provision of the waste collection service, which implies that it may have access to personal data, will be considered Data Processor for the treatment. In this case, the corresponding agreement or contract of Data Processor for the treatment must be signed.