

711.389.1

P r e s s e release

August 30, 2018

100 days of the General Data Protection Regulation - time for an initial assessment

This Saturday, the General Data Protection Regulation (GDPR) has been in effect for 100 days.

After a lot about the new regulations and the problems that the users with the

Adjustment had been reported, the Berlin Commissioner for Data Protection and

Freedom of information now a first balance sheet.

Privacy Complaints

The number of complaints lodged with the Berlin Commissioner for Data Protection and

freedom of information has increased tremendously since May 25, 2018. In the months of May

by July 2018, our authority had received 1,380 data protection complaints from citizens

citizens. In the same period last year, we received only 344 such submissions

edit.

References to obvious and sometimes serious data protection violations that are not

citizens, but also, for example, by company data protection officers,

Reported journalists or companies are included in this statistic

not counted.

In the non-public area, the majority of complaints related to online services that

Information and deletion claims of customers not or not correctly

have complied. According to the GDPR, everyone has the right to be

company or an authority to find out whether personal data is stored there

for what purposes this is done, where this data comes from, to whom it is sent

are passed on and how long they are stored. In addition, the

DS-GVO Affected extensive deletion rights.

Consultation Requests

In the weeks leading up to May 25, 2018, the requests for advice that the Berliners  
Officer for data protection and freedom of information by post, e-mail and telephone  
achieved, strong too. From May 25, 2018, it was the employees of the  
Authority no longer possible to adequately investigate the complaints processing because the  
Telephones wouldn't stop. Therefore, our authority set up a central one for two months  
DS-GVO telephone hotline for those seeking advice.

The topics of inquiries from companies, associations, freelancers as well  
Individuals were diverse. They ranged from general inquiries to which  
Measures to be taken with the new regulation are specific to their own  
Legal or technical issues related to data processing. A theme,

Responsible: Dalia Kues

Office: Cristina Vecchi

Email: [presse@datenschutz-berlin.de](mailto:presse@datenschutz-berlin.de)

Friedrichstr. 219

10969 Berlin

Tel: 030 13889 - 0

Fax: 030 2155050

- 2 -

what caused a lot of uncertainty was the GDPR-compliant design  
of websites and internet blogs. Many companies but also medical practices, pharmacies and  
Law firms are also concerned with the question of whether they are obliged to do so  
to appoint a data protection officer.  
Unfortunately, these questions cannot be answered in general, as it always depends on  
which data is actually processed in the specific case. The Berlin representative for  
Data protection and freedom of information provides extensive information on this on their website  
information material available. For example, the Notice Paper for Website and

Blog operators affected the possibility, step by step, the

Check data protection requirements for your own website.

The document is available at the following link:

<https://www.datenschutz-berlin.de/themen-utilisation-data-website.html>

Data breach reports

The number of reports of data breaches has increased significantly since May 25, 2018. In

111 incidents were reported to us in the months of May to July 2018, whereas in

only recorded 12 reports in the same period last year.

Reports from company data protection officers

According to the DS-GVO, companies that order one or an operational

data protection officers are obliged to report this person to the supervisory authority.

To date, more than 7,000 companies have complied with this obligation.

The Berlin Commissioner for Data Protection and Freedom of Information is posting on its website

Online form for reporting ready:

<https://www.datenschutz-berlin.de/datenschutzbeauftragte.html>

European cooperation – Berlin is leading the first in Europe

cross-border case

In order to achieve the goal of creating a uniform level of data protection throughout Europe,

the European data protection authorities are obliged to cooperate under the GDPR,

when complaints concern such companies that offer their services in several EU countries

offer. If a supervisory authority is dealing with such a complaint, it is informed and

she has been involving her European colleagues since May 25, 2018. About the

The test result and any sanctions must be taken at the end of the procedure

regulatory authorities involved. Otherwise, the newly established European

Data Protection Committee concerned with the matter.

The Berlin Commissioner for Data Protection and Freedom of Information has the first in Europe

of these cross-border procedures.

sanctions

Three months after the GDPR came into effect, the Berlin Commissioner for Data Protection and freedom of information have not yet imposed sanctions under the new law.

- 3 -

With every complaint, the facts of the case must first be investigated with the participation of the company be fully clarified before a legal and possibly also a technical assessment is carried out can. If violations that deserve sanctions are identified, the sanctioning body takes over the Berlin Commissioner for Data Protection and Freedom of Information. A

The sanction procedure takes place in formally strict procedural steps. The way of one Complaints about a fine notice therefore naturally take some time.

Maja Smoltczyk

"The enormously high number of complaints and the number of data breaches that my Authority are reported, show that the public debate about the new set of rules both citizens and authorities and companies for data protection has sensitized. The handling of personal data takes place in large parts of the population more aware. People put their basic right on informational self-determination more often. That was an important concern of the European legislature. I think on this point you can see the General Data Protection Regulation already consider it a great success."