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BfDI criticizes failure to implement EU directive

The Federal Commissioner for Data Protection and Freedom of Information (BfDI), Professor Ulrich Kelber, criticizes the fact that the European Directive on the Code for Electronic Communications has not yet been implemented. The directive comes into force today and should have been transposed into national law by the EU member states by December 21, 2020. This further solidifies the unclear legal situation in the telecommunications sector. In addition, there could be a threat of infringement proceedings by the EU Commission.

Professor Kelber said: I consider the threatening, area-wide evaluation of communication content using keywords to be very questionable. I would have wished for more specific guidelines to protect telecommunications secrecy. In particular, I consider a limited storage period, opportunities for unjustly suspected persons to complain, the involvement of police and security authorities and the mandatory involvement of data protection authorities before the use of new technologies to be indispensable.

With the code, the regulation for classic telecommunications services and online communication services is formulated uniformly. The same requirements should now apply to both types of services at European level.

A draft regulation to combat online child abuse now provides for far-reaching exceptions to this principle. The plan is to monitor online communication across the board and without cause. This draft regulation is necessary because the EU member states have still not been able to reach an agreement in the negotiations on the ePrivacy Regulation, but messenger services are now subject to the ePrivacy Directive because of the code. The ordinance should therefore now be passed in a fast-track procedure and apply temporarily for up to five years. In the opinion of the BfDI, the European legislator has not sufficiently taken into account important basic and data protection standards:

Comprehensive and unprovoked monitoring of digital communication channels is neither expedient nor necessary to track down online child abuse. Combating sexualised violence against children must be tackled with targeted and more concrete measures. The investigative work is the task of the law enforcement authorities and must not be outsourced to private operators of messenger services.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.