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Two years of the General Data Protection Regulation: fines totaling around 155,000 euros imposed. Data protection awareness pervades business, administration and society

Two years after the General Data Protection Regulation came into effect, the state data protection officer Dieter Kugelmann sees a "growing awareness of data protection". "Following the intensive debate two years ago, implementation is now becoming more routine and, in most cases, legally compliant. The awareness of data protection penetrates more and more business, administration and society. Much has happened, but much remains to be done. It is our job to be both the driving force and the supervisory authority." Two years after the General Data Protection Regulation came into effect, the state data protection officer Dieter Kugelmann sees a "growing awareness of data protection". "Following the intensive debate two years ago, implementation is now becoming more routine and, in most cases, legally compliant. The awareness of data protection penetrates more and more business, administration and society. Much has happened, but much remains to be done. It is our job to be both the driving force and the control body at the same time," says Professor Dieter Kugelmann, State Commissioner for Data Protection and Freedom of Information in Rhineland-Palatinate (LfDI). The General Data Protection Regulation (GDPR) came into effect on May 25, 2018. It came into force in 2016, followed by a two-year transitional period.

Kugelmann emphasizes: "Even during the current corona pandemic, there must be no discount for data protection. Health information in particular is very sensitive data. As long as the measures taken by government agencies, employers and companies are proportionate, data protection is the priority for combating infection not in the way. Even in these unusual times, in which some fundamental rights are restricted, the General Data Protection Regulation can be applied and at the same time the focus is on protecting the health of citizens."

With the GDPR, the independent data protection authority has been given far-reaching powers. Sanctions such as fines and warnings are possible in the event of violations. Since May 2018, the state commissioner has imposed fines totaling around 155,000 euros in 9 cases. The highest fine of 105,000 euros was imposed on the Mainz University Clinic for deficits in patient management. A fine of 35,000 euros was imposed on an erotic establishment in Mainz. EUR 12,000 was imposed on a company that extensively and illegally used video surveillance of its employees. Before the GDPR came into effect, legal proceedings against the LfDI were very rare. Since 2018, companies or government agencies have lodged appeals against

LfDI sanctions in 30 cases.

Since the GDPR came into effect, the number of data breach reports has increased. In 2018, the LfDI received 105 reports of violations of the protection of personal data (Art. 33 DS-GVO), in 2019 there were already 319. In the first months of this year, 200 were registered. One of the tasks of the data protection authority is to get to the bottom of the data breaches and to check what omissions were made. For the LfDI, the scope of test cases has increased significantly since 2018.

The LfDI has closely accompanied government agencies, authorities and companies through information events and the provision of information material during the transition in the course of the GDPR. Initially, the need for advice on overall data protection was very great, especially for small and medium-sized companies and associations. In the meantime, the inquiries are concentrating on individual specific legal questions. Current problem areas are still the classification of certain services as order processing and the demarcation from joint responsibility. Citizens' need for information regarding their data protection rights remains high.

In the area of employee data protection, complaints about claims for information from former employers have been increasing since 2018. Little is known among the population that the GDPR has established new requirements regarding the transfer of registration data, for example to address book publishers or religious communities under public law. In contrast to the Federal Registration Act, the DS-GVO stipulates that a "clear confirmatory action" by the citizen is required for a transfer to take place. Since corresponding confirmations have not yet been obtained in many offices, numerous citizens complain to the LfDI.

With regard to the data protection actions of municipalities, the LfDI 2019 started an extensive test phase of municipal administrations. Two associated municipal administrations were examined, and a further ten examinations (including district administrations) are pending. Those responsible in the municipalities usually act in a cooperative manner. However, there are still major difficulties in implementing the GDPR in the areas of technical and organizational data protection and data protection impact assessment. The data protection report 2020 will contain the results of the tests and the conclusions drawn from them.

The transition was made easier for schools and day-care centers in the country with information, sample texts and handouts that were created together with the Ministry of Education. In hardly any other federal state has such a comprehensive and practical "all-round carefree package" been put together by a data protection supervisory authority. In addition, the need for advice from educational institutions has increased significantly: inquiries are being received about almost every piece of software available on the market as to whether there are any reservations about purchasing it. Once the LfDI had to issue an

order for the deletion of video recordings: A day-care center had taken photos and video recordings for the educational and learning documentation of the children without the necessary parental consent.

As part of the "Well treated with safety" initiative, the LfDI, together with the Rhineland-Palatinate Association of Statutory Health Insurance Physicians, the State Medical Association and the State Psychotherapists' Association, informed doctors and psychotherapists comprehensively and in different formats about the requirements resulting from the GDPR. In addition to the 4 further training events in Trier, Neustadt/W., Mainz and Koblenz, the information provided on the initiative's website (www.mit-Sicherheit-gut-treated.de), including concrete examples for use in practice, should be emphasized.

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