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BfDI welcomes ECJ ruling on data retention

The BfDI, Professor Ulrich Kelber, welcomes the decisions of the European Court of Justice (ECJ) on German data retention:

The ECJ has once again made it very clear that storage of traffic and location data without cause, as provided for in German law, with the European right is not compatible.

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The preventive, general and indiscriminate storage of traffic and location data represents a serious encroachment on fundamental rights. The BfDI said: My great wish: From today, the debates about data retention without cause must finally come to an end. How often should the relevant courts send a stop signal?

The ECJ has again emphasized that data retention enables deep insights into the personality of each individual, up to the creation of personal networks and profiles of individuals. This reinforces the importance of a free and open Internet.

Unreasonable and comprehensive data storage must not exist. From the point of view of the BfDI, it is not necessary at all. Of course, freedom requires security, but effective criminal prosecution on the Internet is also possible without data retention.

Because there have long been effective alternatives, such as the "login trap" or the "quick freeze procedure" mentioned by the ECJ. In both cases, the aim is to only collect relevant information for criminal prosecution if there is a concrete suspicion.

The court has now again clearly defined the limits. It remains to be seen whether the legislator will use the narrow corridor specified by the ECJ. The BfDI will accompany this process critically and is available for advice at any time.

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.

Pursue

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.