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P r e s s e release

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Berlin police refuse to clarify questionable queries in

police databases

The Berlin Commissioner for Data Protection and Freedom of Information, Maja Smoltczyk,

complains that the Berlin police have violated their legal obligation to

Cooperate in verifying queries of personal data in

Police databases linked to right-wing extremist death threats

could.

The reason for the procedure was the complaint of a person whose home was threatened

"9 mm for [...]. headshot" was written. This person was a suspected victim before

right-wing violence. At our request, the police confirmed police access to the

Data of two data subjects. The police were only able to carry out some of these accesses

justify in a comprehensible official manner. Nevertheless, the police said in general that no

There are indications of official inquiries that cannot be justified. the subsequent

The demand to justify the previously incomprehensible data retrieval came

Police despite several reminders and a direct letter to the chief of police,

in which again, particularly in view of the political scope of the suspicion

urgently asked for the necessary information, not after. To date are

therefore the data queries in question by Berlin police officers are unclear.

The police justify the refusal to provide information to our authorities

Procedural rights of the police officers concerned and doubts the sufficient

Substantiation of the complaint received by the data protection supervisory authority.

In doing so, she fails to recognize that these objections are not relevant for the data protection examination

Role-play. A data protection check aims to identify possible structural

identify problems in order to, if necessary, arrange for suitable technical
organizational measures to ensure the security of personal data
or increase and thus prevent or largely limit unauthorized data retrieval
minimize.

For the supervisory examination of the basic handling of the police as an institution

Data protection requirements do not depend on any fault on the part of individual employees
on.

As an authority, the police make their right to refuse information their own

only individuals are legally entitled to in investigations conducted against them. Followed

According to this argument, the data protection supervisory authorities could do almost nothing

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Investigations more with the police as the responsible body within the meaning of data protection law
execute.

In doing so, the police are violating their data protection laws laid down in the Berlin Data Protection Act

Obligations to provide all necessary to fulfill the statutory duties of the

Data protection supervisory authority required information and against the obligation with our
authority to cooperate.

The criticism of this extremely irritating behavior of the Berlin police is the sharpest

Means that the Berlin legislature of the Berlin data protection supervisory authority at hand

has given. If the police do not respond to the complaint either, the Berliner

Data protection officer the process to the responsible committee of the House of Representatives submit and report there.

Maja Smolczyk:

“The Berlin police authorities have revealed their stubborn refusal to cooperate

a questionable understanding of the law. The complete clarification of the present as well as

Comparable threats is also in the interest of law enforcement agencies that are currently due

the increasing number of cases of unlawful data requests and contacts

right-wing extremist spectrum are in the public eye. All public offices of

State of Berlin are obliged to work with my authority as the supervisory authority for data protection

to work together. Should a body evade these obligations as vehemently as it does

is the case here, this must also be a political issue.”