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P r e s s e release

March 3, 2021

Fine notice against Deutsche Wohnen SE: Complaint against the cessation of the
procedure filed

On February 18, 2021, the Berlin Regional Court decided on the fine proceedings of the Berlin commissioners
for data protection and freedom of information (BlnBDI) against Deutsche Wohnen SE. It
assumed there was a procedural obstacle without dealing with the obstacles identified by the BlnBDI
deal with data protection violations. The subject of the proceedings is a fine in
Amount of 14.5 million euros that BlnBDI in October 2019 against Deutsche Wohnen SE
for violations of the General Data Protection Regulation (GDPR).

The Berlin Regional Court takes the legal view that fines against legal entities
could only be imposed if a proven specific act of

Managers or legal representatives are presented who are responsible for the
resulted in a fine. It contradicts everyone's view

German data protection supervisory authorities (cf. the resolution of the data protection conference of
April 3, 2019) and a judgment of the Bonn Regional Court on a data protection law
Fine proceedings against a telecommunications provider.

The interpretation of the German law on administrative offenses by the district court of Berlin stands
not in accordance with the will of the European legislator. These regulations must
Light of the European regulations are designed to ensure a uniform application of the DS-
GMOs in all Member States. Crucially, a data breach
is established and not the causal actions of certain natural persons.

The decision of the Berlin Regional Court raises legal questions that affect the fine practice of all
German data protection supervisory authorities are of the highest relevance. Would be despite
Once a data protection violation has been established, the internal responsibilities of a legal

To enlighten the person, this would significantly increase the effectiveness of the administrative offense proceedings
endanger. As a result, it would mean that in Germany - unlike many
other Member States – a fine against large companies due to the complex
Corporate structure would often not be verifiable. This would result in discrimination
small and medium-sized companies. There would also be the danger of a Europe-wide
different sanctioning practices for violations of the GDPR.

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The public prosecutor's office in Berlin has now, in agreement with us, for the aforementioned reasons
Appeal filed against the decision of the Berlin Regional Court.

Maja Smolczyk:

"I welcome the fact that the Berlin public prosecutor's office has filed an appeal against the decision of the
Berlin Regional Court and hope that a judicial clarification of the question of
Relationship between national administrative offense law and European data protection law
the necessary legal certainty is created - not only for the Germans
supervisory authorities, but also for the data processing companies."