

June 27, 2019

Data Protection Adaptation Act – alleged reduction in bureaucracy is one

milkmaid bill

The Bundestag is planning the second in today's last session before the summer break

EU data protection adjustment and implementation law to be passed. With that more

than 150 German specialist laws to the provisions of the General Data Protection Regulation (DS-

GMO) to be adjusted. The Berlin Commissioner for Data Protection and Freedom of Information,

Maja Smolczyk warns against the extensive and in parts questionable draft law

to push through in the present version.

Among other things, the draft provides for raising the threshold above which companies are obliged

are to appoint a data protection officer. Previously, this threshold was 10

employees entrusted with the processing of personal data. In the future there should be one

There is no obligation to nominate employees for more than 20 employees.

Companies often feel left alone when it comes to implementing data protection regulations.

However, they are not helped by relaxing the obligation, of all things, to

ensure expertise in the company. Because even without the obligation to order from

Data protection officers must fully comply with the complex requirements of the GDPR

be implemented. Otherwise there is a risk of violations and sanctions. As head of

The supervisory authority of a start-up metropolis is the Berlin data protection officer

particular concern that companies are well advised on the subject of data protection. Particularly

in this area where artificial intelligence and big data are of growing importance,

Small companies often process large amounts of highly sensitive data. Will data protection

If this is not taken into account from the beginning and continuously monitored, there is a risk of far-reaching

Violations of fundamental rights, but also high material and immaterial damage for the

affected companies. Data protection officers ensure competent legal and technical advice. They help prevent violations in advance and reduce the risk of to keep fines and administrative orders with serious consequences to a minimum. They act as mediators between companies and the supervisory authority and are the first point of contact in the event of breakdowns, so that action can be taken quickly and correctly. Those under severe lack of resources Suffering regulators are unable to compensate for this important work. Out of For these reasons, the concept of the company data protection officer, the one German peculiarity, for decades and thus long before the entry into force of the GDPR proven.

Maja Smoltczyk:

“The planned regulation suggests a decrease in bureaucracy for small companies, yes this calculation will not add up. Without a regulated data protection management and that The know-how of experts is the implementation of data protection regulations for companies expected to be more labor intensive and expensive. I recommend affected companies and associations therefore urgently, even without a legal obligation, continue to contact data protection officers designate and appropriately equip.”

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