

PRESS RELEASE

the Conference of Independent Data Protection Authorities

of the federal and state governments of December 20, 2021

DSK publishes new guidelines for providers of telemedia

The conference of the independent data protection supervisory authorities of the federal and

Länder (DSK) today has a new version of the orientation guide for providers

published by telemedia. The paper offers operators of websites and apps

or smart home applications specific assistance in the implementation of

new regulations of the Telecommunications Telemedia Data Protection Act

(TTDSG). In addition, the orientation guide gives affected citizens a better

res picture of the legal framework.

With the publication of the revised orientation guide, the

supervisory authorities to the changed legal situation. This has been in place since December 1, 2021

TTDSG, among other things, the protection of privacy when using end devices.

This results in practice-relevant effects on the use of

Cookies and Similar Technologies. With the TTDSG, the federal legislature

after a delay of more than a decade, the specifications of the European e-

Privacy policy implemented in national law.

The TTDSG was formulated and demands close to the wording of the European specifications

basically a consent of the users: inside, if information on their end

facilities are stored or accessed. exceptions from

This consent requirement is strictly limited to cases in which saving

and reading out the information is absolutely necessary for an express

telemedia service desired by the user can be made available

can. The orientation guide contains relevant criteria, such as the corresponding

corresponding user request can be determined and then implemented.

When examining whether, in exceptional cases, consent is not required, it should be noted that that the conditions differ significantly from the criterion of legitimate interest in the General Data Protection Regulation (GDPR). Until November 30th 2021, the legitimate interest was determined by the supervisory authorities under close stipulations as a possible legal basis. A previous interest consideration according to the GDPR does not automatically meet the narrow requirements of the TTDSG. To implement the new legal situation, it is therefore, for example not sufficient if only the names of the legal bases in a privacy policy to be exchanged.

Since December 1, 2021, information has been stored and read out the stricter provisions of the TTDSG apply to or from end devices. For the Further processing of the personal data collected in this way continues to apply provisions of the GDPR. There are also some hints on this in the new Ori-planning aid.

Operators of websites, apps and other telemedia should use of cookies and other technologies urgently review. In particular, the precise design of the technologies and their need for revision undergo. Time, type and duration of storage as well as the downstream data data processing must comply with the requirements of the TTDSG or the DS-GVO chen. The present guide is intended to provide assistance in this regard.

The document largely replaces the previous version from 2019 and was published on the DSK homepage. It is planned, soon also one to provide the English version of the orientation guide.

Furthermore, a public consultation process for the new version of the be carried out. Details regarding timing and of the expiration will be announced in January 2022.

Further information on the data protection conference:

www.datenschutzkonferenz-online.de

Contact:

Independent Data Protection Center Saarland

Fritz-Dobisch-Strasse 12

66111 Saarbrücken

Email: medien@datenschutz.saarland.de