

Unity EXPO 2020: State data protection officer warns State Chancellery for illegal video surveillance

From September 5th to October 4th, 2020, the State Chancellery of the State of Brandenburg had several locations of the UNIT EXPO 2020 in the state capital Potsdam monitored with cameras. After a detailed examination, the state data protection officer determined that the associated data processing was largely inadmissible. She therefore issued a formal warning to the State Chancellery last week.

The bone of contention were four cameras on Luisenplatz, Alter Markt, Platz der Einheit and on the city canal in Yorckstrasse. While night-time operation of the cameras would have been permissible under data protection law, with the limitation of their detection area, the State Chancellery operated them mainly all day and observed large areas. In the first two weeks of the exhibition, there was not enough signage with information about video surveillance. In addition, in the run-up to the unit EXPO, it should have been thoroughly documented why video surveillance is absolutely necessary and proportionate and which technical measures secure the use of the cameras. Such documentation was completely absent. Dagmar Hartge:

The 30th anniversary of German unity would have been a fitting occasion for the State Chancellery to show that it values the fundamental right to data protection. Video surveillance on public streets and squares is only permitted to a limited extent, and with good reason. This also and especially applies when many people are expected to attend an open-air exhibition. Guests, but also Potsdamers, should be able to stay there without pressure from surveillance.

Even after the State Chancellery had informed us about their plans in August, it was foreseeable that camera operation would not be permitted to the extent envisaged. We insisted on a restriction of the project and made concrete specifications for this.

An on-site inspection on September 22, 2020 revealed that these had not been taken into account. As a result, the State Chancellery corrected some of the deficiencies identified, but announced shortly thereafter that it intended to resume video surveillance around October 3, 2020 at the earlier level. In order to prevent this, the state data protection officer issued a warning on September 30, 2020 and asked for confirmation of compliance with data protection regulations for the remaining days - without result. In the run-up to the warning that has now been issued, the State Chancellery had the opportunity to justify its actions. However, their arguments were not convincing. For one thing, there would have been less intrusive means than video surveillance to achieve the goals. On the other hand, the legitimate interests of the citizens captured by the cameras carried greater weight.

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