

The Saxon data protection officer is currently receiving more and more input and inquiries about fonts integrated into websites. Such web fonts are often used to improve the presentation of the website in the sense of the respective provider. However, if these fonts are dynamically integrated, i.e. a connection to the font server is established each time the website is accessed, the website operator is responsible for data protection. With dynamic integration, IP addresses and device data are transmitted to the server that provides the fonts. This transfer of personal data requires a legal basis.

For non-public bodies such as companies or associations, both Article 6 Paragraph 1 Letter a) GDPR (consent) or Article 6 Paragraph 1 Letter apply. f) GDPR (legitimate interest). Public bodies cannot rely on a legitimate interest. Consent is therefore almost exclusively an option. Both the consent and the legitimate interest require the user to be fully informed about the data processing.

In practice, valid consent is only given in very few cases. Anyone who relies on a legitimate interest must carry out a risk assessment between the interests of the person responsible and the fundamental rights of data subjects.

The background to the current inquiries to the Saxon Data Protection Officer is a judgment by the Munich Regional Court of January 20, 2022, according to which the use of Google Fonts on one's own homepage can constitute a violation of the General Data Protection Regulation. This view has long been held by regulators. Currently, however, the judgment has triggered a wave of warnings against website operators, who are being confronted with substantial monetary claims.

In the case of Google's fonts, the fact that Google is a US company makes things even more difficult. The European Court of Justice (ECJ) has declared the European Commission's decision on the Privacy Shield invalid (Case C 311/18 - "Schrems II"). A transfer of personal data to the USA may therefore only be subject to suitable guarantees, such as e.g. B. standard data protection clauses, or in the event of an exception in accordance with Article 49 GDPR. However, it is not enough to simply provide appropriate guarantees. The person responsible or his processor must also check in each individual case whether the law of the third country affects the protection guaranteed and whether measures must be taken to maintain this level of protection. The dynamic integration of Google fonts is therefore currently not justified.

The Saxon data protection officer therefore advises not to dynamically integrate fonts in your own offer. Unless there are clear regulations for order processing and data transfer outside the EU is excluded.

In practice, it sometimes happens that website operators are not even aware that the fonts used are dynamically integrated. Sometimes tools such as website builders or content management systems have already implemented this functionality.

However, the website operator remains responsible. One way to check whether your own website is passing on data to third parties is to use online scanners such as Privacy Score or Webkoll.

A simple solution to integrate fonts into a website in a legally secure and risk-free manner from a data protection point of view is self-hosting. When a website is called up, the browser is referred to the font library of the website operator for the font file; a connection to a third party is not established. If a website operator fears longer loading times, he should also consider that the desired font may not be loaded in the case of external integration until consent has been given. Up to this point, the website can only be displayed with the font available in the browser.