

"2019 was an eventful year, not only for data protection here in the state, but also for me personally," says Heinz Müller, State Commissioner for Data Protection and Freedom of Information Mecklenburg-Western Pomerania, looking back.

At the beginning of February, the state commissioner imposed a ban on video surveillance on Schwerin's Marienplatz because the recordings from the eight cameras were transmitted unencrypted by radio to the Schwerin police center and the security of the data was therefore not guaranteed. However, the responsible police headquarters in Rostock continued the video surveillance unchanged. Because the state commissioner cannot enforce his orders against public authorities, he was only left with an urgent application to the Schwerin administrative court. In the conciliation negotiations taking place there, the police gave in and procured new technology. From then on, the recordings were encrypted during transmission by radio. "My core requirement was met, so I was able to declare my application closed," says Müller.

In mid-September, the state representative prohibited the state association of the AfD from operating the "neutral school" reporting portal. Müller: "The AfD used this portal to collect information on the political opinions not only of teachers but also of the children in our country. According to Art. 9 DS-GVO, increased legality requirements apply to the processing of such particularly sensitive data. The portal did not meet these requirements." The AfD took action against the ban with an urgent application. But the administrative court in Schwerin followed the reasoning of the state commissioner and rejected the application. The data processing carried out via the reporting portal contradicts Art. 9 DS-GVO. "It must not be the case that teachers are intimidated by such a portal in their teaching activities," explains Müller. "That is exactly what the data protection regulations that apply here say. It goes without saying that it is the task of the teachers to stand up for democracy, the Basic

Law and the human dignity guaranteed therein. They shouldn't be afraid of being bothered by self-appointed AfD watchdogs."

During the same period, the state parliament's interior committee heard the state commissioner as an expert on the draft for a new law on security and order. Says Müller: "If we give the police new powers that deeply invade citizens' privacy, such as online searches and source telecommunications surveillance, then we must subject them to effective control. That says the relevant European law. As the responsible supervisory authority, the state commissioner for data protection should only be able to 'warn' and 'warn' the police. I think that is questionable in terms of European law." The draft law has not yet been passed.

On October 28, 2019, the state commissioner invited to the conference "Data protection: illness or therapy?". This was aimed at the management, data protection officers, doctors, nursing staff and administrative employees of the hospitals and clinical facilities in Mecklenburg-Western Pomerania and aimed to jointly develop solutions for the data protection issues that arise in the sensitive health sector. Müller says: "Hospitals have not only been familiar with data protection since the GDPR came into force. However, this contains new regulations, for example in the disclosure and information obligations, which still cause uncertainties in the implementation. "His authority can provide practical support here.

The state representative received more than 50 new tasks as a result of the GDPR. At almost every opportunity, Müller worked to ensure that his agency was given the resources it needed to carry out its duties. But unlike in the federal government and in the other federal states, his authority has to continue to cope with the sharp increase in workload with an unchanged number of employees. This emerges from the state budget that has just been passed for the years 2020/2021. Müller also drew personal consequences from this. After almost 37 years, he left the SPD in mid-December: "There comes a point where it just doesn't work anymore."

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