

press release

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Bavarian State Office for

data protection supervision

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- press office -

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Bavarian

state office

for

data protection supervision

checks

Order processing contracts from web hosts

The Bavarian State Office for Data Protection Supervision is taking part in a coordinated

Test,

at

the

data protection law

model contracts

-

so-called

Order processing contracts - between web hosts and their customers supervisory

being checked. The data protection supervisory authorities from Berlin, Lower Saxony, Rhineland-

Palatinate, Saxony and Saxony-Anhalt participate in this coordinated test.

Many companies and organizations operate their website or online shop

via an external service provider (web host). Personal data from

Visitors to the site processed. As a rule, this processing takes place on behalf of the

Those responsible, i.e. the site operator, take place. That is, the web host

is

processor under data protection law. To the concrete data protection legal framework

for this instruction-bound activity, the operators of the

Website and the web host a so-called order processing contract (AVV)

shut down. The General Data Protection Regulation (GDPR) describes in detail what rights

Obligations and measures must be regulated in the AVV.

The data protection supervisory authorities regularly receive inquiries from those responsible

determine that the AVV offered by the web host does not meet the requirements of the GDPR

is equivalent to. The examination by the supervisory authorities confirms this impression again and again.

For example, many AVV do not see sufficient evidence from the web host about this

ensure that it implements the agreed data protection measures. This can be a big one

Problem for the site operators: inside, as they are responsible for the

Supervisory authorities and data subjects must be able to demonstrate that they

comply with data protection regulations.

To web hosts and those responsible for the conclusion of legally compliant AVV

support, the Bavarian State Office for Data Protection Supervision examines the model contracts

selected large web hosts from Bavaria. The data protection authorities carry out the examination

on the basis of a checklist developed for this purpose for AVV. The checklist will

July 21, 2022

also made available to the web hosts and is available at [https://www.datenschutz-](https://www.datenschutz-berlin.de/fileadmin/user_upload/pdf/themen-a-z/a/2022-BInBDI-Checkliste_Pruefung_AVV_v1.0.pdf)

[berlin.de/fileadmin/user_upload/pdf/themen-a-z/a/2022-BInBDI-](https://www.datenschutz-berlin.de/fileadmin/user_upload/pdf/themen-a-z/a/2022-BInBDI-Checkliste_Pruefung_AVV_v1.0.pdf)

[Checkliste_Pruefung_AVV_v1.0.pdf](https://www.datenschutz-berlin.de/fileadmin/user_upload/pdf/themen-a-z/a/2022-BInBDI-Checkliste_Pruefung_AVV_v1.0.pdf) available.

The Bavarian State Office for Data Protection Supervision has it on its homepage

extensive information on order processing and order processing contracts

released; they are available under order processing.

July 21, 2022