

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

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A turning point in data protection

New data protection law: caution yes, panic no!

As of today, the European General Data Protection Regulation applies.

The self-imposed claim of the regulation is high: stronger data protection rights

of the approximately 500 million citizens of the European Union on the

a page. On the other hand, the "free movement of personal data" -

i.e. the data-driven digital business - in one of the largest economies

of the world are not restricted beyond measure.

The ordinance must now prove whether, in this tense relationship, it

will stand. From the first draft by the Commission more than six years ago, to the publication

publication on May 4, 2016 and most recently on the home straight towards the application

There was a lot of discussion about the regulation. Do we really need a unified

Data protection law for all of Europe? A reformed data protection law is just

de important in times of big data and digitization, so that our freedom to

control over our personal data is not lost.

General Data Protection Regulation and Federal Data Protection Act

The European General Data Protection Regulation becomes directly applicable law and

thus largely replacing German data protection law. National regulation game

rooms only exist to a limited extent. The new federal data

Protection Act implements individual regulatory mandates of the Ordinance and creates

supplementary regulations where opt-out clauses allow. It occurs at the same time

Power.

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Example data protection officer: The regulation allows the obligation to appointment of a data protection officer in national implementing laws for further to expand positions. The federal legislature has this regulatory leeway in new Federal Data Protection Act to meet the obligation to name company legal data protection officer to the existing "status quo" in Germany fit. Germany will therefore continue to rely on the "successful model of data protection representative".

sanctions and advice

At the forefront of the debate are fears that violations of the regulation can be punished with fines in the millions in the future.

It often goes unmentioned that the regulation gives the supervisory authorities a complete zen "toolbox" in their hands to deal with each individual case of data protection to be able to remedy legal grievances appropriately. Fines are in it only one of many possibilities. Advice will continue to be the top priority in the future.

The supervisory authorities will also make use of sanctions – but with proper sense of proportion.

European Data Protection Board and Data Protection Conference

Uniform law requires intensive coordination in order to also achieve a uniform to ensure application practice in Europe. The national data protection authorities will therefore work together in a new format: The European Data protection committee is to ensure that the interpretation of the law is standardized across Europe becomes hot. In individual cases, its decisions will be binding. The data-Protection Conference as a joint body of all German data protection supervisory authorities in Germany will continue to focus on practical

legal interpretation and application questions regarding the General Data Protection Regulation

re. An overview of their resolutions and guidance can be found here.

callable:

<https://www.baden-wuerttemberg.datenschutz.de/dokumente-der->

data protection conference/

The short papers have proven to be particularly helpful - statements by the

tenschutzkonferenz how, in their opinion, the ordinance is being implemented in practice

should be applied to topics that are particularly relevant to practice. From practice

the short papers on data protection officers (No. 12), employee

data protection (No. 14), video surveillance (No. 15) and in particular measures

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plan "GDPR" for companies (No. 8). The briefs are available here:

<https://www.baden-wuerttemberg.datenschutz.de/ds-gvo/>.

Further information on data protection can be found on the Internet at

www.baden-wuerttemberg.datenschutz.de or at www.datenschutz.de.