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## BfDI criticizes illegal data processing and legislation

The Federal Commissioner for Data Protection and Freedom of Information (BfDI), Professor Ulrich Kelber, criticizes the legislator and the administration for new data collection, which is too often illegal. The current judgments of the Federal Constitutional Court and the Federal Administrative Court show how important advice from the data protection supervisory authorities is.

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The BfDI sees the same basic problem in many places: "For many years, the legislators in the EU, federal and state governments have been creating new opportunities for data collection from authorities, which then turn out to be illegal. This urgently needs to change, otherwise there is a risk that citizens will lose confidence in legislation."

The Federal Administrative Court ruled yesterday that refugees' digital data carriers, such as mobile phones, may not simply be evaluated in general. Instead, the Federal Office for Migration and Refugees must first take into account the existing findings and documents. The BfDI had already criticized the regulation, which had now been found to be inadequate, as constitutionally questionable in the 2017 legislative process.

A few hours earlier, the Federal Constitutional Court had rejected the automated data analysis by the police in its current form. In this process, the BfDI was consulted as an expert and had questioned the legality of the regulations in Hamburg and Hesse. The BfDI welcomes both judgments and demands that the protests from civil society and the warnings of the responsible data protection officers must be heard: "It cannot be that wrong developments are always stopped first by the courts. My authority will therefore continue to provide advice and warnings for the fundamental rights of citizens."

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

Pursue

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such

as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.