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BfDI on the decision on inventory data information

The Deputy Federal Commissioner for Data Protection and Freedom of Information (BfDI) Jürgen H. Müller sees the line of the authority confirmed with today's decision by the constitutional judges on inventory data information: not every administrative offense may immediately lead to a query with the telecommunications providers. The BfDI has pointed out the disproportionality of this regulation for years. The legislature must now give greater consideration to the right of citizens to informational self-determination when revising the Telecommunications Act.

The decision does not mean that information about inventory data is generally inadmissible. However, the Federal Constitutional Court has made it clear that the legislature must create proportionate and sufficiently specific legal bases both for the telecommunications providers on the one hand and for the querying security authorities on the other. In order for an inventory data request to be admissible, there must always be a concrete risk or the initial suspicion of a criminal offense in the individual case. Otherwise, higher-ranking legal interests must be affected.

The BfDI welcomes this unreservedly, as the lack of limitation of powers has repeatedly been the cause of its criticism in the past. The BfDI pointed out that the standard is far too broad, especially with regard to information based on IP addresses. The Federal Constitutional Court has now confirmed this and rejected the unprovoked inventory data request. The BfDI calls for the relevant laws to be improved as quickly as possible.

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.

company

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.