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### False Claims by Initiative Copyright

The Federal Commissioner for Data Protection and Freedom of Information firmly rejects the copyright initiative's criticism of its position on upload filters.

Ulrich Kelber: The insinuations and allegations by the copyright initiative are irritating. I am available for contentious discussions, as long as they are substantive. The copyright initiative, however, chooses the path of technically incorrect claims and deviates from the actual topic. A substantive discussion of my criticism of upload filters is not recognizable.

More than two weeks after the BfDI issued a press release on the subject of upload filters, the Copyright Initiative published a press release attacking the BfDI with questionable arguments.

For example, Mr. Kelber is personally accused of having used upload filters for years without the data protection officer having the slightest interest or prompting a public statement. This accusation is not only disqualified by the fact that there was no legal obligation to date that would actually result in the use of upload filters being compulsory, but above all by the fact that Mr Kelber has only held the office of the BfDI since January. In this context, it is also pointed out that the BfDI - contrary to what is wrongly presented by the Copyright Initiative - is not the Federal Government's data protection officer, but performs its function completely independently.

During his time as Parliamentary State Secretary in the Federal Ministry of Justice and Consumer Protection, Mr. Kelber also repeatedly publicly rejected the use of upload filters and deletions without the possibility of objection in the debate on the Network Enforcement Act and pleaded for more user rights. The Copyright Initiative was obviously unable to research these statements, nor the fact that Mr Kelber was no longer part of the federal government when it approved the copyright amendment.

In addition, the Copyright Initiative assumes that the BfDI should comment on the amendment without having read it properly and ignoring relevant facts. A substantive evidence for this assertion is not provided. The Copyright Initiative should recognize that in a free democracy, just because someone has a different view and looks at legislation from a different perspective does not automatically mean that they have not looked at the legal text and facts. Rather, one should use other positions to critically question one's own views.

Finally, the initiative assumes that the BfDI has no interest in the legislator creating better copyright protection, which not only benefits artists, but also private uploaders, who are released from liability by the new regulations. This accusation is unfounded because the BfDI, due to a lack of competence, only expresses itself on data protection issues, just like with other draft laws at federal and EU level.

The BfDI's criticism was directed exclusively at the use of upload filters, which would become necessary as a result of the draft law. These pose a significant data protection risk. It is very likely that if upload filters are used, a large part of the data traffic will run via a few large providers of this technology. However, the Copyright Initiative did not respond to this argument by the BfDI with a word of its statement and was in no way able to refute the fear.

The positioning of the BfDI on the subject takes place in the performance of its statutory tasks. According to Art. 57 GDPR and § 14 BDSG, the BfDI must inform politicians and the public about the risks of data processing, explains Kelber. It is understandable that this sometimes does not suit stakeholders. However, reacting to this with an unobjective public attack on the office of the BfDI is not in good style. I therefore strongly recommend that the Copyright Initiative keep independent supervisory authorities out of their lobbying games in the future.

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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.