

Data protection for image, sound

and video recordings

What has to be considered in the day-care center?

Data protection for image, sound

and video recordings

What's in the daycare center

to consider?

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foreword

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Dear reader,

Digitization is affecting more and more areas of our society

social life, including early childhood education in our

day-care centers and child day-care centers (KTP).

Berlin is therefore investing specifically in this area, for example

in digital educational offers for daycare centers, in further training and basic

location research. Many day care centers/KTP places are already using digital ones

Offers for communication with parents and, reinforced by the

Corona-related closures, also with those who stayed at home

children.

It is important to us that data protection is consistent with such developments

keeps up and keeps them safe and informationally self-

steers the right paths. The European General Data Protection Regulation

regulation (GDPR) is the essential and also for all public

regulations applicable to all institutions. We'll come to that later

before special legal regulations, such as those for children

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of the day-care facilities/day-care centers

writings on social data protection. The level of data protection in German

country was also very high before the GDPR came into force and even in

in many ways a model for European regulations. That's why
we would like to reassure you in advance: through the European
DS-GVO have not made any fundamental changes for the
Dealing with data protection issues in this
rich.

It remains a challenging task, however, with the
sensitive data of children as well as with the personal
Handle employee data correctly. This is shown by many
questions and the undiminished high demand for our
common brochure »Data protection for image, sound and video recordings
- What has to be considered in the day-care center?".

We have now updated this brochure to reflect the new features
adapted to the GDPR. We offer all daycare managers and
pedagogical specialists a practical assistance, which
Legal certainty when dealing with data protection issues in your professional
everyday life. We wish you informative reading.

With kind regards

Sandra Scheeres

Senator for

education, youth and family

Maja Smoltczyk

Berlin representative

for data protection

and freedom of information

Principles (p. 16)

- Necessity

- Earmarking
- Transparency
- direct survey

8th

Legal basis (p. 14)

- Basic Law (GG)
- Social Code (SGB VIII)
- Framework agreement – RV TAG
- Federal Data Protection Act (BDSG)
- Art Copyright Act (ArtUrhG)
- Charter of Fundamental Rights of the Euro

European Union (GRC)

- General Data Protection Regulation

(GDPR)

- Berlin Data Protection Act

(BlnDSG)

Data protection for image,
sound and video recordings
from children

from employees

- Requirement for

Employment Type

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1. Image, sound and

video recordings in

day care centers

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Image, sound and video recordings of children and occasionally also

through children in many situations in everyday educational life

prepared. So e.g. B. of game scenes in the garden and in the house, for the

Evaluation of a child's language skills, together

related to acclimatization or to accompany and document

tation of projects. Images and authentic sound recordings

support the pedagogical work according to the »Berliner Bildungs-

program for day-care centers and day-care centers«¹. If with

Children are told about projects and the corresponding ones

Documentaries are reviewed, they recognize how ye

collaborative and individual learning path. This strengthens their

learning method competences, their feeling of self-efficacy

and the social skills. A sound and video recording supports the explanations of the language level of the child in Development discussion with mother or father. pictures of the familiarization makes the transition easier for parents because they can recognize whether your child is comfortable in the new environment without you. collegiate Consultations, supervision and case discussions can be included Support image material from everyday pedagogical life. The photos or the digital picture frame in the entrance area give parents everyday insights into day-care center life.

But what is to be considered when image, sound and video recordings be used in everyday day care? About, under what legal Prerequisites corresponding recordings are made may and who has what rights to these in everyday pedagogical work owns, this brochure is intended to clarify. She straightens

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Berlin education program for day-care centers and child day care, Senate administration for education, youth and science (ed.), Berlin 2014

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especially to providers, the daycare management, the pedagogical specialists and beyond that to multipliers, such as e.g. B. trainers. In addition to educating about the data protection basis is about the right Dealing with image, sound and video recordings of both supervised children as well as employees.

The brochure is intended to support you in dealing with it in a considered manner to be sensitive to your own and the personal data of others

and to make it clear how important it is to
to respect and protect children's rights when dealing with media
to point this out.

The statements on the data protection requirements in the

In principle, child day-care facilities can also be
transferred to day care centers.

2. Privacy Law

classification

xxx 13

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Legal basis

Every person has the right to protection of the personal
related data. In principle, you may
determine the disclosure and use of their personal data. It
This is the basic right to informational self-
provision that is both European law and constitutional
is legally guaranteed.² It applies not only to adults, but
in the same way for children.

2.1.

Interventions in this fundamental right to informational self-determination
require a legal basis based on data protection law
can be removed. Since May 25, 2018, all European
European member states, the European General Data Protection
regulation (DS-GVO) for the data processing of public and
private bodies. Most of the specifications are now immediate
from the DS-GVO and are also for the day care centers

essential.

If personal data³ of the children and their families is

child day-care facilities collected, used, transmitted and

stored (i.e. recorded in sheets or on index cards, in portfolios

incorporated, noted in the language learning diary, as photos or videos

recorded, posted in the entrance area, on the website

2

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Art. 8 Charter of Fundamental Rights of the European Union (EU Charter of Fundamental Rights);

Art. 2 para. 1 i. In conjunction with Article 1 Paragraph 1 of the Basic Law (GG)

Personal data is any information relating to an identified

or identifiable person, d. H. allow conclusions to be drawn about the person

such as B. name, address, age as well as image and sound recordings.

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published or sent by e-mail), the admissibility is assessed

of data processing in accordance with the provisions of the GDPR. basic

It can be said that data processing is always permissible

is if there is either a legal basis for this or an

consent is given. The legal bases are in addition to the GDPR

for the child day-care facilities, the regulations of the

cial Code VIII - Child and Youth Welfare - (SGB VIII) to apply

the. As youth welfare institutions, the day-care centers are obliged to

Protection of personal data in accordance with the regulations

of SGB VIII to ensure.⁴ Since it is the processed

data is social data that is subject to social secrecy,

special protection applies. With such personal data

dealing correctly in the context of a day-care center is part of professional

dings of sponsors, management and pedagogical specialists.

The right to information applies to those employed in a day-care center

Self-determination in the same way as for children in care and theirs

Familys. However, apply to the processing of employee data

in addition to the GDPR, not the regulations of SGB VIII, but the

specially created regulations on the so-called employee data

protection. This is the first priority for employees of public institutions

line in the Berlin Data Protection Act (BlnDSG) and for employees

private provider regulated in the Federal Data Protection Act (BDSG).

Every day-care center should work as a team to discuss data protection in its facility

communicate fundamentally and regularly, comprehensively

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§ 61 paragraph 3 SGB VIII and § 3 paragraph 2 of the framework agreement on the financial

and ensuring the performance of the day-care facilities for Berlin (framework

agreement – RV day)

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Privacy Policy

inform and fix all the essentials in writing. on

in this way, everyone involved - especially new employees -

employees – greater security of action can be achieved.

It is recommended to add it as an attachment to the day-care center concept

and also to present to parents for information.

2.2

Processing of personal data, to which e.g. B. the

use, recording, organization, ordering, storage,

the use, deletion or destruction of data

heard, is always permissible if there is a legal basis for this

situation exists or if the persons concerned, i. H. the children or their

parents who have given their consent. during processing

personal data about children and their families often

through the caregiving contract or legal regulations

(e.g. Social Code Book VIII or the child day-care

law) is regulated, it requires the production of image,

Sound and video recordings of children and later handling

with these (distribution, publication, etc.) of an effective

parental consent.

Against the background of the legal bases described above

it is important to observe a few principles. These apply to both

electronic data processing, e.g. B. by means of image, sound and

video recordings, as well as for classic forms of data processing

processing, e.g. B. Data collection in everyday pedagogical work or with help

of questionnaires.

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principle of necessity

Only such personal data may be collected

to fulfill the purpose pursued with the data processing

are immediately necessary. In the day-care center, data are usually

for the purpose of bringing up, educating and caring for the child in

of the day-care center and for the necessary administration

processing operations. The data processing takes place on

Purpose of fulfilling the legal obligations assigned to the facilities

technical tasks according to SGB VIII.⁵

First of all, the basic information is required without which

it would not be possible to take care of the child. These include e.g.

B. name, date of birth, address of the child and his parents as well as

Telephone numbers where they can be reached in an emergency, and

the names of other persons authorized to pick up. Also the knowledge of any

health restrictions (diseases, allergies, intake

medication etc.) are required. Furthermore support

and complement day-care centers as socio-pedagogical educational institutions

Bringing up the child in the family through an age- and

appropriate funding.⁶ Here, the funding in the daily

direction the individual needs and the respective living environment

of the child and his family.⁷ Knowledge of this

are therefore required to fulfill this purpose.

The decisive factor is which data on the care of the child by

the day-care center is required, d. H. necessary and not

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§ 62 paragraph 1 SGB VIII

§ 1 para. 1 sentence 1 Child Day Support Act (KitaFöG)

§ 1 paragraph 2 sentence 1 KitaFöG

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are only useful. It is therefore not permissible to transfer data to

Stock up and save because they are at any time

could be useful. That's how it is in education, for example

important in everyday life to already have a concrete idea for a project, which is also to be implemented in the near future. Then can in the day-care center to start giving information to families collect what is necessary for the implementation of the project.

purpose limitation principle

Personal data may only be used for the purpose for which they were raised. Therefore, the purpose of the collection always be determined in advance. When the purpose is fulfilled the data is usually to be deleted.⁸ It is not allowed to delete data of children, such as place of residence, number of siblings or development documentation, to third parties (e.g. employees employees of a research project) without the parents have given their consent. done accordingly a transfer of the learning documentation from the language learning day book from the day-care center to the elementary school that the child will will search, only after consent has been documented in writing clarification of parents.

principle of transparency

A prerequisite for effective protection of the right to information national self-determination is the guarantee of maximum possible transparency about the processing of personal data

Data. The citizens – including children, parents and Employees – have the right to know who is doing what at which

8th

Unless there are specific legal retention periods to the contrary.

opportunity knows about them. The data processing must be
be comprehensible to the persons concerned. That's the only way they can
data processing affected their rights, e.g. B. for information
or exercise deletion effectively. The GDPR regulates in this respect
legal information obligations towards those responsible
the citizens. The principle of transparency
hereby suffices that all information and notifications for processing
Processing of personal data easily accessible, understandable
and are written in clear and plain language. For the children
day-care centers, this means that the parents are on admission
of the child in the day-care center about the purposes of the data processing
Legal bases, the duration of storage, your rights as
etc. must be informed.⁹ It is advisable to
to develop documents and these upon completion of the
hand over the trust agreement.

principle of direct collection

The social data protection policy applicable to the day care centers
law provides that personal data about an individual
with the latter themselves or – if it is a question of a child – with the parents
to inquire and are not available to third parties without their knowledge.

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The requirements for the information obligations can be found in Art. 13, 14 DS-GVO
take.

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3. Data protection for image,
sound and video recordings

from children

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The further development of modern communication technology has in the day-care center opens up many possibilities, but in the pedagogical Gologic everyday life raises a number of questions, which are mainly dealing with with the data of children concern:

- What about development documentation, the photos or audio recordings included?
- May e-mail footage from recent project or below use of social networks to be sent to the parents?
- The last project documentation would be very good for the website of the day-care center. Under what conditions can they be hired?
- A photo is taken quickly: Permitted for the recording at all private devices are used? What is to be considered?

The focus is on questions from the day-to-day life of a day-care center. many property are nevertheless related to the work context care transferable.

As previously described, image, sound and video

Recordings about personal data or social data, about which the children who are pictured, or their parents in mind their right to informational self-determination independently allowed to decide. Dealing with image, sound and video recordings men require clear specifications in the consent to be obtained clarifications. Particular threats to the right to informational Self-determination exists in particular with digital data, since

duplicated, modified, stored and published without
can become public. Special care is therefore required here
offered in order to exploit the benefits for pedagogy on the one hand,
but at the same time not in the personal rights of the children and
of employees to intervene.

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For image, sound and video recordings of children of kindergarten age
the legal guardians are authorized to make decisions. Since parents in
As part of the admission and acclimatization of their child very many
receive information and advice at the same time, it is advisable
that the pedagogical professionals understand the subject of preparation and
in particular publication of image, sound and video recordings
promptly, e.g. B. at a parents' or information evening for the "new
Parents«, with practical examples and room for questions
to let. Even if this procedure takes time – a
Arguing with an angry parent can go a long way
cost more time and energy. Diligence and transparency in questions
of data protection are required and pay off in the long term.
If the parents understand little or no German, one can
Support language mediation, ensuring that they
understand what they are signing. Parents must also
be informed about that you have given your consent for the future
revoked without having to fear disadvantages.
For parents it is a significant step to sign a contract on the
complete child care. Under no circumstances should they
the impression is given that a place in the day-care center

depends on whether they agree to image and sound recordings of their child.

To make the declaration of consent clearer,

Photos, video and sound recordings of the child distinguished and with checkboxes are worked on.

Furthermore, it is advantageous to name a person in the daycare team

s necessary for the processing, i. H. in particular storage and

Deletion of the collected personal data, is responsible.

Management and teams of a facility should agree on

how the digital files are shared by children and, if applicable, employees

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Content of a declaration of consent

be saved. They should also specify on which data

data carriers are stored and secured, e.g. B. in one

local, well-secured folder on the setup computer or

on an external hard drive that is reserved for a specific person (e.g.

the day-care center management or the day-care center's specially appointed media officer)

is accessible. This ensures that data at a

designated place and kept by a person and

if necessary, a designated deputy on a regular basis

can be maintained, deleted and managed properly.

3.1

If possible, the parents will be informed when the child is admitted to

the institution submitted a prepared declaration of consent

and explained. Since the facilities are already under their post

of the DS-GVO are obliged to provide information

to parents and others to make transparent which personal

collected data for which purposes are to be processed,
is it necessary to already refer to the intended image, sound and
and make video recordings. After the parents
data processing for which you should give your consent
been made, you will be asked to sign it. If that
did not take place when the child entered the day-care center, this is
It is essential to obtain your consent before image or sound recordings
be made. For special projects or projects,
not listed and explained in the submitted consent
are, further consent must be obtained from the parents.

This is e.g. B. in project weeks or research projects where
other facilities or institutions are involved, the case. in the
Connection with such cooperation must be guaranteed

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be that data cannot be used by third parties without further
more project-related parental consent.

In order to ensure that the declarations of consent
requirements and framework conditions of the respective day-care center,
At this point, we refrain from submitting blank forms.

It is important that each Kita management has its individually adapted
Template created, which is further developed depending on the project and
can be updated. In case of uncertainties in the wording
there is always the possibility to contact the Berlin representative
to get advice on data protection and freedom of information and
obtain assistance.

The legal requirements for effective consent

are set, arise directly from the DS-GVO.¹⁰ Decisive

is that consent is informed and voluntary. To the parents

must be made transparent for which

written purposes the recordings are to be made. Also

it is necessary to determine what is to be done with the recordings

and how long they are kept. The parents have the right

your consent once given at any time with effect for the future

to revoke. This must be expressly pointed out.

The following points must be included in a declaration of consent:

Purpose of the recordings

The declaration of consent makes it transparent in which

Frame (when observing children, for documenting

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Art. 7 GDPR

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projects, on daycare trips or excursions, through professional photo

photographers etc.) and for what purpose (usually observation

attention and documentation, reminders of the time at daycare) the set-up

tion intends to take photos or video and sound recordings of the children

to make. These purposes are stated in the declaration of consent

described as specifically as possible. If necessary, it is advisable

between photo, video and sound recordings in the consent as well

to differentiate.

Use or further use of the recordings

The declaration of consent explains how the

Recordings used or (further) used and to whom they are shown

or be presented. The more specific the group of people

can be named, the better. Parents can too

Provide information as to whether you agree to mentioning the name and/or the

age of their children under pictures agree or not.

Duration of storage and time of deletion

The declaration of consent describes how long the

records are kept and when they are deleted or destroyed.

Recordings that z. B. no longer after a development meeting

are needed are taken from the hard drives or mobile data

deleted or destroyed. The same applies if a child

leaves the facility.

Voluntariness and possibility of revocation

Parents should also be advised that consent

agreement is voluntary and you will not incur any disadvantages if you

do not give the consent or wish to revoke it. in particular

In particular, the acceptance of a child in the day-care center must not depend on

be made dependent on the consent. have parents

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once their consent has been given, this does not necessarily apply to the

entire time in daycare. You always have the opportunity to

cancellation with effect for the future. Concrete means

this that e.g. B. in the case of printed matter, a revocation is no longer possible

is when the print job has already been issued.

3.2

3.2.1

Practical case scenarios

Recordings in everyday pedagogical work and

at events

The pedagogical staff ensures that only

those children are photographed for whom - as described above -

there is consent for the respective, specific purpose. Sol-

len z. B. Photos of individual children in their language learning diary

are glued in, it should be noted that in the case of images with several

Children have the consent of their parents for this as well.

Are there events such as e.g. summer or graduation parties,

by a larger group of people (e.g. other relatives,

friends of family) are visited, it is helpful to have information

ready and clear guidelines for dealing with videos

or to take photos. Are photos taken for private use

Parents, friends or relatives made, is the responsibility

at the person taking the photograph. Recordings of children who are not

belong to the family – even if they are shared with your own

child were depicted - may not be used without the consent of the

the parents e.g. B. not set to the Internet or via social

networks are disseminated. To avoid possible legal consequences

should be avoided, both day-care centers and private

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Photos in the premises of the institution

persons ensure that only the children are admitted

for which consent has been given. Since it is now

is quite common, photos or videos z. B. in social networks

to publish works would be an information sheet/flyer on this topic

helpful. Here could be described in short sentences what is and is not permitted during an event. In order to would the day-care centers ensure safety and raise awareness among families, take care of the children and the guests.

3.2.2

The posting or presentation of photos (e.g. also via so-called digital picture frames or advertising of the carrier for his work) on the premises of the institution is a very good opportunity to let the families participate in the life in the day-care center. you complement the children's stories about what they do during the day experienced. Even those parents who deal with the pedagogical technical specialists do not understand well for linguistic reasons are able to gain a lively insight into everyday life their children. The posting or presentation requires that the parents agree. It should be noted that the posted photos not by strangers (e.g. at the institution passers-by) can be seen. parents must also be asked for their consent when attending parents' evenings or shown photos or videos of the children as part of parties will. This should also form part of the declaration of consent (see point 3.1).

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3.2.3 Use of Personal Recording Devices

Almost everyone owns a smartphone these days. A photo or video with it is made quickly and can be sent via SMS/MMS, via trade fair ger services such as WhatsApp, Snapchat or social networks such as

Facebook to be shared with others. Private recording devices such as Mobile phones, photo or video cameras may be used for documentation however, cannot be used in practice. Because a facility is neither able to implement the strict measures in force access the secure use of official data on private devices, nor the control obligations incumbent on them exercise effectively. Accordingly, the use of father devices is prohibited and only the use of the facility's own technology approved.

3.2.4

Photographers visit regularly – usually once a year

Photographers set up and finish individual portraits as well

Group photos of the children. These are then given to the parents offered for sale. The photographers are

gene responsible and should comply with their privacy policy

Keep explanations ready, as with the digital

Recordings of the children will be done after the purchase, or also in the event that the parents do not purchase the recordings. task

In this case, it is up to the pedagogical staff to ensure that individual portraits are only made of those children for which parental permission has been granted in advance and which want this yourself. Only the children are allowed to take group photos be displayed for which the parents have consented. It is advisable,

Professional photographers

carried out by the photographers and to agree

when the images will be deleted. A deletion should at the latest

at the end of the day-care year.

3.2.5 Scientific projects, studies, qualifications

Takes a day care center on a scientific project or a

special qualification part, these are often at the time of

Acceptance of the child in the day-care center and thus the signing

the declaration of consent is not yet foreseeable. parents must

therefore be informed before any recordings are made

will. The already existing declaration of consent should be

be supplemented for this particular purpose. It usually will

be useful, for reasons of transparency, a separate consent

to develop a declaration of agreement for the research project. Both

Responsible for the project is u. to find out in which

context the recordings are shown until when they are saved

whether personal information (name, age, etc.) is required

and who is the contact person for questions from parents. parents should

also get the opportunity to take the shots before further

view usage. Even if permission to use

of the recordings had already been granted, this is evidence of responsible

articulate handling, participation and transparency.

3.2.6

When recordings are published by others (e.g. in books

chern or [specialist] journals) must be done very carefully

Publication by externals

because another legal requirement has to be met here:

A distribution of photographs depicting the children

may infringe their right to their own image. So may

according to § 22 sentence 1 of the Art Copyright Act, which is relevant here

(ArtUrhG) Portraits only with the consent of the depicted

disseminated or "put on display" in public. It is because of that

an important requirement that parents order their written

Consent is requested and this expressly refers to the

planned publication of the respective photo. Be Fo-

tos in printed matter (books, magazines, etc.) is a

Withdrawal of parental consent is no longer possible if

these have already been printed or the print order has been issued. All-

However, a revocation must be taken into account in the case of a new edition

will.

In the event of a planned publication of images, parents should

on the Internet, attention should also be drawn to the fact that

the recordings can be called up worldwide and saved by anyone

can be cherted. In addition, there is the possibility

that the images and information are used by third parties in order to

to create a profile of the child from various sources. Data

can be found via search engines with little effort.

A removal of photos once published on the Internet is

difficult because, especially with shared content, e.g. B.

in social networks, it is not possible to understand who

have achieved this and, above all, whether the appropriate content

has been saved and can therefore be reused. Also

illustrated articles in the daily press, in trade journals or similar are
can often be called up via the Internet, so that the same requirements
conditions apply. The names and ages of the children must be given in

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usually not necessary in this context. If this should happen
be necessary, the parents must give their specific consent

To give.

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4. Data protection for image, sound

and video recordings

from employees

employees

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Since day care workers are generally not dependently employed
this section applies only to employees who have children
carried out in both public and private sponsorship.

In day-care centers, image, sound and video recordings of
now common practice among employees. Such recordings will
mostly in the context of documentation of everyday pedagogical work,
of further education and training, of scientific projects
or for the public relations work of the institution or the institution
prepared. The recordings are usually for educational purposes
purposes intended. The recording of a small interaction sequence
between a social worker and a child
as well as a subsequent, professional feedback discussion
a valuable basis for professional and personal development

be winding. Behavior control via video or sound recording

However, acceptance by the employer must be ruled out will.

The following questions arise from these situations:

- Can an educational professional refuse, as part of a research project or for collegial advice on yours

to be taken to work – even if the wearer

decided to take part in the project?

- What about records of employees who are no longer work at the facility?

- Where and for how long should employee photos be kept?

In the documentation practice, the focus is on the employees

stand - e.g. B. in their interaction with children - the basic

sentences that have already been explained under 2.2 accordingly. In addition

There are three facts that need to be taken into account:

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Requirement for the employment relationship

4.1

For any photo that requires effortless identification of a

authorized person, according to art copyright this applies

Right to own picture¹¹. After that, portraits (photos etc.) are only allowed with

be disseminated (shown) with the consent of the person depicted. This

Principle follows the constitutional requirements and is in the

In accordance with the case law of the European Court of Justice.

An infringement is punishable.¹² The requirements for an effective

me consent result from Art. 7 DS-GVO (see under 3.1)

Even when taking pictures of employees

is it personal data which - as in the previous

the following chapters – subject to special protection

lie. For day-care centers in public sponsorship applies in addition to

DS-GVO § 18 of the Berlin Data Protection Act (BlnDSG), which is based on

the validity of the Federal Data Protection Act (BDSG). For

The BDSG applies directly to daycare centers in independent sponsorship. authoritative

is primarily the regulation of § 26 BDSG. There it says: »Per-

Son-related data of employees may be used for the purposes of

Employment relationship will be processed if this is for the

Decision on the establishment of an employment relationship

nisses or after establishing the employment relationship for

the execution or termination of which [...] is necessary.«

However, the job of education, care and upbringing

of children in child day care according to § 22 SGB VIII

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§ 22 Art Copyright Act

§ 33 Art Copyright Act

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without image, sound or video recordings of the employees

tend to be made. In the sense of the Federal Data Protection Act

this data is not required for employment purposes

ratio. The aspect of voluntariness and transparency

of handling the data collected from employees

and employees is therefore all the more important.

Another situation is when photos or video recordings be prepared for annual accounts, festivals, celebrations or trips. Everyone knows the photos of a group in which the pedagogical professionals are shown next to "their" children. Here's from it assumed that it is a normal part of the activity ability of a social worker. But beware:

If such recordings are made in print or digital media (time writings, books, internet, social media) spread, takes hold again the art copyright, as already described under 3.2.6.

4.2

The following must also be considered: Employees stand up because of the employment relationship with their employer – the institution of the facility – in a dependent relationship. It's not over agree that employees (have to) assume it not being able to "afford", e.g. B. to refuse a video recording, without misunderstanding or even negative consequences on the part risking their employer. Other employees or se-

Minar participants can build up pressure. These explain z. B. to a video recording of the morning circle or a conversation situation ready, which one according to various criteria is evaluated. In such a case it is for a dependency on the employer

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sometimes very difficult to say »no« without comments or even having to accept rejection. This means that the volunteer the consent of those affected to image, sound and video recordings

taking is restricted. However, this voluntariness is the central one

Prerequisite for a facility to use the data collected

that person can use and process. The BDSG writes

therefore, that for the assessment of the voluntary nature of the consent

in particular the dependency existing in the employment relationship

ability of the person employed and the circumstances under which the

Consent has been granted must be taken into account.¹³

4.3

Requirements for image, sound and video

recordings of employees

Are image, sound and video recordings of employees planned,

those responsible (e.g. the lecturers

a further training, the specialist advisors or the

project manager of a scientific research project)

therefore explain in detail to the persons to be admitted why

it is and for what purpose a video or sound recording or a

photo fulfilled. Employees or participants must point out

be shown that there is no obligation to accept and

that a »No« does not have to be justified, without negative consequences

expected. A written explanation is an important basis,

the employees and participants in addition to the actual

written informed consent should be provided. This

The declaration must contain the following aspects (see also under 3.1):

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§ 26 paragraph 2 sentence 2 BDSG

- description of the purpose or objectives of the recording(s),
- reference to the voluntariness to be admitted,
- Possibility to withdraw consent,
- Indication of when and where recordings are shown or played

and by whom they are viewed/listened to (access rights),

- An indication of where the collected data is kept

and to whom they may be passed on (e.g. also the

assurance that the data or feedback on the data

not forwarded to the employer),

- indication of when and by whom the data collected again

to be deleted,

- should a publication (e.g. in a book, a magazine

or an educational film) should be planned, should there be a reference

that the publication - if desired - also without specification

done by name.

You should also pay attention to the recording devices: private smartphones

may e.g. B. not be used (see under 3.2.3).

Are recordings included as part of further education and training?

discussed by a group of participants, the leader should

Be sure to point out the protection of confidentiality: the participants

undertake not to divulge details of the process to the outside world

spread.

5. Media Literacy as

educational task

Children grow up in a world in which dealing with digital media is taken for granted from an early age.

On the one hand, life in a digital society keeps many advantages, but also harbors dangers on the other hand privacy.

In addition to technical knowledge and skills for application

Media literacy also includes an awareness of the consequences of further processing of data. With increasing age of the child

Media use is no longer found exclusively in the parental home, but also in other social (learning) places such as B. the day care center instead. There

Children are coming into contact with online media at an ever earlier age leaving traces without being aware of it

it is all the more important to convey to them as early as possible

how important it is to handle personal data sensitively. the

Consequences of unwanted data processing, e.g. B. through advertising or spam, also affect children in kindergarten

age. But children can only develop if

There are shelters where their data is protected and they are not have to reveal everything about themselves. The Berlin representative for data

protection and freedom of information has set itself the goal of children as early as possible for handling their personal

Sensitize data and give them data protection competence

convey. With the support of media education, a

gene children's website (www.data-kids.de), with the in-

playfully keep children aware of protection

of their own data is to be woken up. The website and the

The materials developed are aimed primarily at primary school children, but are also suitable for all other age groups.

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Educational professionals have an important role model function and

children can effectively promote data-sparing media behavior

sensitize. Awareness of one's own media behavior

– here in particular the data processing and transfer in the

Everyday day-care center work is a prerequisite for being a good role model. je

according to the age of the children can already be considered together with them

whether a picture will be posted online and what the consequences will be

connected and whether dissemination is necessary at all

and is desired. Parents should also take part in these considerations

related and made aware of what it means when

they put a picture of their child online or via their smartphone

share with others. Third parties can u. conclusions on

the child's name, place of residence, daily routine and leisure time

design (see the results of the miniKIM study¹⁴).

An important goal of media literacy education is the

ability to decide what to disclose when and what

better stay in a protected, private space. adults - be

it parents or pedagogical specialists - should get into the per-

put spotting the child and consider whether a spread

or publication is in the interests of the child. children in these

include considerations by giving them age-appropriate

clarifications and she asks if you agree

further important steps in the direction of media and data

protection competence.

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Media Education Research Association Southwest (ed.) (2015): miniKIM 2014.

Toddlers and Media. Basic study on the media handling of 2- to 5-year-olds

in Germany. Stuttgart: o.V., p. 30

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6. Advice on all questions

about data protection

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For questions about data protection, the legal

texts are consulted:

the European General Data Protection Regulation,

the Federal Data Protection Act,

the Berlin Data Protection Act

and

Social Code Book VIII.

For individual questions or in the event of uncertainties in dealing with personal

ment-related data continue to advise and support:

Berlin Commissioner for Data Protection and Freedom of Information

mailbox@datenschutz-berlin.de

or

Senate Department for Education, Youth and Family

letterkasten@senbjf.berlin.de

The production of photos as well as sound and video recordings in

Day-care centers repeatedly raise data protection issues

Questions on. In day-to-day teaching, this often leads to uncertainty.

The purpose of this brochure is to provide educational professionals with

in a short and understandable form an overview of the data

protective regulations are given. The brochure can

at the Senate Department for Education, Youth and Family or at

the Berlin Commissioner for Data Protection and Freedom of Information

be requested.