

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

Press Office of the State Commissioner for the

Data protection and freedom of information

dr Stefan Brink

Koenigstrasse 10a

70173 Stuttgart

www.lfdi-bw.de

Cagdas Karakurt, tel: 0711-615541-23

Email: pressestelle@lfdi.bwl.de

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Activity report data protection 2020

Advice on data protection law for ministries,
and citizenship on issues related to the pandemic
combat was the central focus of the last
year

Increase in complaints and data breach reports

European case law has a direct impact

the country from:

- Data transfers to the USA hardly possible anymore
- Official operation of social media channels is moving again
into focus

Data protection and culture: children's rights and media use
development in young people

Educational center for data protection and information

unit (BIDIB) started successfully

LfDI Stefan Brink: "The variety of topics from the

past year shows how extensive personal

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data of citizens are processed in the country. digital

talization finds its way into almost all areas of life and

determines our future - also and especially in the pan-

demie. Good data protection makes the future worth living,

because citizens are also under the pressure of digitization

remain self-determined. We alone decide what

happens to our data. Data protection is therefore a

modern civil rights that have never been more relevant than today."

The year 2020 was from the point of view of data protection of the

shaped by the Corona pandemic. Many fundamental rights have under the

Pandemic suffered: The freedom to work, the freedom to travel, the

Freedom of assembly and also our basic right to information

functional self-determination, data protection. All restrictions

however, pursued a high level of protection of our business

constitution, the right to life and physical integrity.

Finding a reasonable balance here was and is

the task of data protection.

As a civil right, data protection is taking on a bigger role in the pandemic

prominent role. On the Corona regulations

the state representative helped wherever possible,

that the regulations are compatible with data protection law

were.

LfDI Brink: "We are actively involved in fighting the pandemic introduced. We have advised ministries, complaints of citizens and companies explains how they are legally compliant with the Corona to implement regulations.

The activity report lists numerous cases in which a through early involvement of the state representative me solutions for collecting personal data were realized.

In education, when the pandemic began, many knew Schools don't like digital education data securely and effectively could organize. Use in view of the emergency situation

Train digital techniques that are not always data protection-shape were. As a result, parents complained about teaching de were often unsure and often did not make decisions about clear information, such as videoconferencing

have to configure cross-border systems in a data-saving manner.

The state commissioner is currently advising the Ministry of Education the examination of the software MS Office 365, which Ministry as part of the educational platform for schools want to make. The practical test is currently underway a pilot project to use the software; will

verifies that the collateral promised by the company are guaranteed during use. Because schools on the use of the software and in terms of data protection

are responsible, the Ministry of Education would like to their support to provide a uniform platform what the state commissioner supports in principle. There data of minors are processed in schools special data protection measures are required here.

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The state representative has also helped ensure that rende instead of the non-data protection compliant messenger Whatsapp the data-secure product Threema for their business use communication.

Citizenship also existed in other areas of life informational self-determination affects: in context with the Corona ordinances and the regulations for The regulations were exemption from the obligation to wear a mask formulated unclearly. As a result, the state commissioner ten a large number of complaints and inquiries. At the core it was about the questions of how to make that credible you do not have to wear a mask who see such a certificate and may decide on the exemption and how - if at all – the information about the mask exemption is saved.

Together with the state government and DEHOGA, the state commissioner a form for data protection develop formal contact records and make them available to companies ment.

Nevertheless, the state commissioner repeatedly had to

mellisten prohibit, in which, for example, visitors of a Cafés should deposit their contacts - visible to others - ten. He received numerous complaints, in one Case had an employee of a fast food restaurant of one Woman used the contact details and harassed her by phone. The fine office initiated a procedure.

The debate about the use of the Corona warning app was conducted intensively over the past year. Also the state tragte has commented on this on several occasions. The decentralized

An approach that relies on anonymity and gives users the

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decision as to whether and how to process your personal want to share data remains correct. But a further development of the app is still necessary.

Stefan Brink: "We made suggestions on how to can effectively improve the Corona-Warn App. The app makes sense, but needs consistent further development winding. We are glad that although late, but still in Autumn updates for the app came, which improve and that there is a stronger overall there is a will to turn the app into an information platform to build. We will continue to use the app advertise - but only if privacy is protected remains."

Instead of making improvements at an early stage, the

Privacy accused that he was to blame for the lack

effectiveness of the app. And demands were formulated

cut privacy once the pandemic is over.

Brink: "Civil rights should be protected in and after the Pan-

only be limited to the extent that this is absolutely necessary

necessary is. The knee-jerk call for fewer rights

for the citizens who act freely and self-determinedly

wanting is shameful."

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Increase in complaints and data breach reports

The number of data breach reports and complaints

against increased significantly. A number of fines were also imposed again

drive carried out in the reporting period. have total

in 2020 fines of around 1.6 million

waive a euro, as much as never before. The number of

Schwerden increases from around 3800 in 2019 to around 4800

in 2020.

The number of data breach reports increased compared to

same period in the previous year, in which we saw an enormous

ments, again by around 300.

Consultation inquiries, on the other hand, fell by around 550.

The number of controls fell from over 110 in 2019

a little over 30 in 2020 – in the pandemic was no more

possible.

The European view

In 2020, the European Court of Justice specifically

through his judgment of July 16, 2020 - often referred to as the Schrems II judgment

referred to - again sharpened the view that the trans

transfer of personal data to countries outside of Europe

is not a sure-fire success and that the relevant regulations

of the GDPR contain considerable explosives.

To the understandable uncertainty among those responsible and

processors, what specific consequences the judgment will have

has and how future necessary data transfers to third parties

States can be handled with legal certainty, the

State commissioner with an orientation aid at an early stage

the proposals for a possible course of action and a

examination order if personal-related

ne data from the European Economic Area in third countries

should be transmitted.

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The ECJ judgment not only leads to uncertainty among the data

data processors, but also means: If a data

working company in the future on the European market

wants to operate, it must meet European legal standards,

in particular comply with the GDPR. The GDPR is a

become a key location factor.

project work

Formulating correct data protection declarations falls in particular

particularly difficult for smaller companies and associations because they

do not have the resources, external data protection authorities

turn on orders or with your own legal department

to be able to take action. Therefore, the state representative in

initiated a project last year, which is now being
xis is transferred. With "DS-GVO.clever" is now available
Tool available on the website of the state commissioner
sion with which clubs can draw up a reliable data protection declaration
generate and use for your own purposes. Of the
State representatives actively support the clubs.

LfDI Brink: "DS-GVO.clever helps specifically, simply and
effective. It is an aid for clubs. We stand
at their side and help them meet the demands of the
to comply with data protection. Just smart."

The clubs are and remain responsible for their data
processing - with "DS-GVO.clever" clubs can use this
Taking responsibility in a simple way.

In the coming week, the in-house educational
center BIDIB already the first online training for clubs
so that you can familiarize yourself with "DS-GVO.clever".

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to. At the same time, work on "DS-GVO.clever" continues,
a number of extensions are planned. Next should
the tool is also available for craft businesses.

Educational center BIDIB

The Education Center for Data Protection and Freedom of Information
Baden-Württemberg (BIDIB) was founded on July 1, 2020 under the
Motto "Data protection and freedom of information to touch"
founded. This was made possible by the state parliament
provided the necessary funds for this. So that's the authority

of the state representative nationwide the first state authority,
which runs its own training center.

The start of the training center met with a lot of positive people

Resonance. The BIDIB not only has numerous cooperation

receive offers, it also accepts requests from clubs,

Companies, associations, schools and authorities on and

provides advanced training and training courses when the respective

Topics affect and interest many people.

The state commissioner is planning a move for spring

on. The entire authority moves into new premises not far away

of the previous location. In recent years the

Authority has grown significantly in terms of staff, giving them more space

needs. In the course of this, premises for the

set up and technically equipped in such a way

that there are training courses, training courses, lectures, discussions

and technical discussions analogue and digital consistently and qualitatively

can perform statically well. The education center is a

designated place for advice, mediation, training and

Qualification and now receives the modern infrastructure.

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Data protection as a cultural task

The handling of personal data is not least

a culture question. Digitization has become part of everyday life,

it determines our future development. And the handling

with digitization is a cultural technique. Citizens

decide for themselves how their data is processed

be killed Today it is self-evident that data is processed
understandable. But this processing does not happen in
legal vacuum and must not bypass the citizen
whose data is concerned.

Numerous projects, especially with a view to the children, were on the agenda

Cultural area in focus in 2020 - according to the motto: "Da-
data protection – child's play!?" With the children's play "Alice lost in
Cyberland", other children's projects and lectures on children
of rights, the state commissioner promoted data protection
compliant use of digital offers. Just with a look
that the right to be forgotten is not yet
is constantly implemented, it is extremely important that children and
young people a conscious use of digital offers
learn.

LfDI Brink: "Digitization and data protection are
together. It is a social task to

Right to informational self-determination also in
to strengthen the digital world. We will continue to work in the future
consistently for this civil right."