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The state data protection officer of Rhineland-Palatinate examines order processing contracts from web hosters. In many cases, those responsible do not carry out all phases of data processing themselves, but use appropriate service providers. In terms of data protection law, this is regularly an order processing for which Art. 28 General Data Protection Regulation (GDPR) sets certain requirements. Starting this week, the State Commissioner for Data Protection and Freedom of Information of Rhineland-Palatinate will be examining the data protection model contracts between web hosts Based in Rhineland-Palatinate and their customers, the so-called order processing contracts. The check is carried out in close coordination with the data protection supervisory authorities from Berlin, Lower Saxony, Rhineland-Palatinate, Saxony, Saxony-Anhalt and the Bavarian State Office for Data Protection Supervision. Many organizations operate their website or online shop via an external service provider (web hoster). In doing so, data from visitors to the website is necessarily processed. It is therefore legally a processing of personal data. As a rule, this processing takes place on behalf of the person responsible, i.e. the web host is a processor. The operators of the website and the web host must conclude a special contract for the activity that is bound by instructions, the so-called order processing contract (AVV). The General Data Protection Regulation describes in detail which rights, obligations and measures must be regulated in the AVV. The data protection supervisory authorities often receive inquiries from those responsible who determine that the AVV offered by the web host does not meet the requirements of the GDPR. The data protection supervisory authorities themselves come to this conclusion again and again as part of their audits. For example, many AVV do not sufficiently provide for the web host to prove that it implements the agreed data protection measures. This can be a big problem for website operators. In turn, they must be able to prove to the data protection supervisory authorities and the persons concerned that they comply with data protection. In order to support web hosts and those responsible in concluding legally compliant AVV, the state commissioner checks the sample AVV from selected large web hosts from his state. For this purpose, the data protection authorities have created a checklist along with application instructions, which they provide to the web hosts and which is published at <https://www.datenschutz-berlin.de/checkliste-avv> from small and large companies. These are mostly dependent on external service providers, but ultimately bear the majority of the data protection responsibility for their websites themselves. Dieter Kugelmann, of course. "To ensure that responsibilities are clear in such cases and that the rights of those affected are

protected even when personal data is processed by third parties, the General Data Protection Regulation sets out specifications for the design of contracts with service providers. The checklist drawn up by the data protection supervisory authorities serves as a basis for this. It is also intended to provide those responsible with orientation when drafting their contracts and is therefore intended as an aid to support those responsible.”

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