

Bavarian State Office for
data protection supervision

Ansbach, March 22, 2019

press release

BayLDA provides activity report for the
years 2017 and 2018 before

The President of the Bavarian State Office for Data Protection Supervision (BayLDA),
Thomas Kranig, presented on Friday, March 22, 2019 in the new rooms of the
BayLDA presented the activity report for the years 2017 and 2018.

President Kranig presented the 150-page activity report for the past two years
and first pointed out that specific cases from the period before the applicability
of the General Data Protection Regulation (GDPR), i.e. before May 25, 2018 only in the
report, even if they are also important for the new legal framework.

Activity report only digitally and in the future annually

He also pointed out that the BayLDA had for the first time refrained from
published as a book. Queries to the addressees of the job descriptions sent
judges would have shown that after receipt of the book, this actually only with the digital
version would have worked. The activity report presented is the last with a two-year
period under review, as the General Data Protection Regulation obliges the supervisory authorities
plans to present its report annually in the future.

Advice, advice, advice

As is to be expected, the BayLDA – like other supervisory authorities – is
Questions have been inundated as to how the provisions of the GDPR are to be interpreted in individual cases. large
ß companies usually had the two-year transition period from the entry into force of the
General Data Protection Regulation enacted on May 25, 2016 until applicable on May 25, 2018
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uses to prepare for it and to adapt its processing procedures. Many small and medium-sized companies, but especially clubs, were exempt from the new law

surprised and misleading press reports (bell signs, ban on children's

den) additionally unsettled. The efforts that are being made in this area, for the

GDPR has brought relatively few new requirements to the existing ones

Eliminating uncertainty was unimaginable. The fact is, however, that even today scarce

one year after the GDPR came into force, the need for advice and legal certainty

is far from satisfied.

facts and figures

A larger number of supervisory authorities have agreed that in a chapter "Payment

Data and Facts" to present statistical information in a uniform format. We have

we are trying to do this for the first time. However, the numbers have not improved as a result.

In order to make the increased workload transparent for each individual employee

make, it was determined how many requests for advice, complaints and processing of data

notice of data breaches fall on one person at a time. fell on a per-

While there were still 176 requests for advice in 2014, this was already 384 in 2018. The number

of complaints increased from 60 to 152 and the number of data protection violations processed

tongues from one case to 103 cases. In this context, however, it is important to

point out that there is also a whole lot of other work like attending

Meetings of the supervisory authorities, lecture events, development of content for the

homepage, from papers for the data protection conference or the European data protection

waste, etc. there.

human resource development

From today's point of view, there is a justified expectation that after the conclusion of the current

the procedure for passing the double budget for the years 2019 and 2020 we do not

the requested increase in staff by 10 posts, but still a certain

to be strengthened.

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Relevant individual topics

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The new European data protection law in the form of a regulation, i. H. a legal norm

directly applicable in all member states of the European Union, please

special challenges in interpretation. On the one hand, many responsible persons wish

how those who deal with personal data are named in the General Data Protection Regulation

Genetic data of others handle information about how certain regulations to

understand. On the other hand, legally secure information could only be given if

the European supervisory authorities have reached a uniform understanding of this. This

but it is a difficult and tough process.

We therefore decided to make our positions transparent very early on, in

to publish short papers and to represent them at consultations or events.

We have always tried to point out that this is a preliminary assessment

tion, which will no longer exist if either the entirety of the German

and/or European supervisory authorities have agreed on a different understanding or if

the European Court of Justice has made a binding interpretation.

The greatest uncertainties and most frequent inquiries and also statements from us, related

refer to the information requirements, d. H. on how and in what

affected persons must be informed about how their data is handled

gene. Roughly as frequently were questions about the legal requirements for the

Publication of pictures of club celebrations, employee newspapers, reports on events

ments, creating chronicles, etc.

In 19 of 24 chapters of the activity report we have from all areas, from data protection

on the Internet, via advertising, the insurance industry, health, video surveillance up to

technical data protection and information security, individual cases are presented and our

evaluation made transparent.

Sense and purpose of the activity report

The supervisory authorities are obliged to draw up an activity report. Our approach

was, on the one hand, by means of statistical processing that is as detailed as possible

to bring our work. Experience has shown that he is most often asked by data protection officers

read who want to find out what legal opinion their supervisory authority has

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on certain topics. We also wish that citizens who are not experts

for data protection can do something with the activity report. We have

half striving to formulate the texts in such a way that they are also understandable for non-experts

are, but on the other hand also by specifying the corresponding legal bases data

provide guidance to protection professionals.

Location of activity report

The activity report for the years 2017 and 2018 can be accessed via the following link:

<https://www.lda.bayern.de/de/taetigkeitsreports.html>

Thomas Kranig

president