

Attachment to the press release for the 2022 annual report of Berliner

Commissioner for Data Protection and Freedom of Information (BlnBDI) –

Selected Topics

The year 2022 in numbers

In 2022, the BlnBDI received a total of 4,445 submissions from those affected. The number is still up a high level, but lower than in the previous year (5,671 entries), when there were particularly many People complained in connection with the fight against the pandemic. Also the number of reported data breaches decreased slightly to 1,068 incidents, commonly caused by Malware attacks or vulnerabilities (chap. 18, p. 166).

The authority issued 269 warnings, seven warnings and four orders last year communicated to private and public bodies. She also imposed fines of a total of 716,575 euros (chap. 18.4, p. 168).

Digitization of administration

The digitization of the Berlin administration is slowly picking up speed, the BlnBDI advises on the data protection-compliant design. The report describes the successful consultations at the electronic file and the digital procedure for applying for an electronic

Residence permit for Ukrainian refugees. In addition, the authority accompanies the forthcoming reform of the Online Access Act (Chapter 1, p. 15).

interior

In the case of data protection violations by the police and the public prosecutor's office, the BlnBDI can only do one make a complaint; it has no effective authority to issue orders. Since this is the European contradicts the specifications, the European Commission has initiated infringement proceedings Germany (chap. 2.1, p. 19).

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Due to media reports, the BlnBDI again took over the evaluation of mobile phones

Foreigners: inside through the State Office for Immigration in view. Because of the used

Software and the great depth of intervention of the measures based on it is of a high level

risk for the rights and freedoms of those affected (Chapter 2.4, p. 25). In another

procedure, the authority issued a warning to the State Office for Immigration because it was in the file

a citizen contained documents on criminal proceedings that would have long since been deleted

(Chap. 2.6, p. 27).

The BlnBDI regularly becomes aware of cases in which police officers have access to

Misuse police databases to collect data from family members, friends or

Ask neighbors. In the reporting period, the BlnBDI initiated 18 proceedings against

Police officers initiated and issued 16 fines (chap. 12.3, p. 114). Private

Queries in official databases were also made in job centers and state and district offices

established; here the authority issued 4 fine notices (chap. 12.4, p. 115).

Advice in the public sector

Two projects in the

areas of youth welfare and universities. In both cases, the BlnBDI was involved at an early stage,

to advise on data protection. A Berlin university rejected this after the consultation

their original idea of comprehensively using proctoring software for study aptitude tests

monitor (chap. 7.1, p. 70). The new implementation regulations for youth welfare in the

Criminal proceedings were adapted to the GDPR in a practice-oriented manner through advice from the BlnBDI (chap. 4.1, p. 46).

parties

In the aftermath of the federal election, the authority dealt intensively with election advertising and the Campaign app security. In one case, a citizen who addressed personally complained found election advertising from the national association of a political party in his mailbox. Here posed the BlnBDI found several violations and imposed a warning against which the party is suing raised (chap. 14.1, p. 130).

Many complaints reach the authority about personalized celebrity testimonials

Politics and business that campaigned for a Bundestag candidate. The BlnBDI presented several here data protection violations, e.g. because the recipients know about the true sender and origin of the dates were left in the dark. The BlnBDI is currently examining the imposition of a fine against the responsible district branch of the party (chapter 14.2, p. 131).

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Effects of the Corona Pandemic

In the third year of the corona pandemic, the authority also identified data protection violations in the related to the fight against the pandemic. The deficiencies already identified in the last year in the appointment booking for the Berlin vaccination centers were not turned off in 2022 either. The Health administration continued to refuse to involve the service provider in compliance with data protection and had copies of the vaccination documents stored in the user accounts without any legal basis (Section 5.2, p. 57).

Also with the invitations of the health administration to the corona vaccination to minors the content requirements for legally prescribed data protection information not taken into account (chap. 5.4, p. 60).

In 2022, the BlnBDI again imposed several fines due to improper use of contact data collected in shops or restaurants to document attendance

(Chap. 12.1, p. 112). Further fines were imposed on corona test centers due to registration forms that violate data protection regulations, the disposal of paper forms on the street or the collection of unnecessary data.

Health

Many inquiries and complaints reached the BlnBDI from patients to one

Appointment management system of a service provider used by medical practices. In some cases

Appointment confirmations and reminders via SMS or email repeatedly came from the wrong people

people. In addition, neither the practices nor the service provider offered an option to unsubscribe

the system (chap. 5.3, p. 60).

A data breach of unknown extent occurred in a hospital. Due to lack

safety precautions, an unauthorized person repeatedly entered the archive there,

stolen patient files and distributed them to mailboxes in the vicinity. Since that

hospital had no overview of the stored files, the exact number remains unclear (chap.

5.5, p. 62).

Sports

Many data breaches continue to happen because of an open mailing list when sending e-mails

is used in which all recipients are revealed. This is also the case with sports clubs and

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A common problem in fitness studios (chap. 2.7, p. 31).

The BlnBDI had to intervene in sporting events that require participation

dependent on the publication of photos. Because a combination of membership,

Participation or performance of a contract with the processing of data that is not required for this

not allowed (chap. 2.9, p. 34).

In one particularly serious case, the authority imposed a fine on you

Sports photographers who take photos of minors at sporting events without the consent of the

parents published. There were more than 16,000 photos of him on his freely accessible website

Minors who participated in a swimming competition in bathing suits

had for sale (chap. 12.7, p. 119).

youth and education

Under what conditions photos, videos and sound recordings of children in day-care centers are made

and may be passed on, also caused many inquiries in 2022. Here offers one

Brochure Assistance, jointly with the Senate Department for Education, Youth and Family

was published (chap. 4.3, p. 48).

As in previous years, the BlnBDI dealt with the digitization of the

Schools. During 2021 marked by positive developments such as the new Berlin school law

was largely at a standstill in 2022. The education administration fetched the offered one

Advice on many data protection issues either did not take or accepted the recommendations

not (chap. 4, p. 50).

Privacy at work

The BlnBDI regularly receive complaints from employees who work with

video cameras are monitored. In 2022, the authority intervened in several cases and was able to

ensure that the cameras are switched off (chap. 8.1, p. 74).

The social changes in connection with increasing digitization

also raise questions when dealing with employee data. Here they spoke

Federal and state data protection supervisory authorities for specific legal regulations

of a new Employee Data Protection Act (Section 8.3, p. 77).

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Business

A frequent topic of many complaints is identity abuse in online trading. How himself

data subjects can protect against this and what measures companies can take to protect themselves

must be taken is described in the annual report (section 10.6, p. 94). Another perennial favourite

Requests for copies of old bank statements. Banking institutions are obliged to inform data subjects

as part of a request for information, at least the transaction data of a bank account free of charge to make them available (chap. 10.8, p. 99).

After a credit agency for years a total of 27 wrong addresses and 13 wrong dates of birth to a complainant, the data protection officer issued two fines in

A total of 46,500 euros (chap. 12.6, p. 118). The highest fine was 525,000 euros against a trading group due to a conflict of interest of the company

Data Protection Officer. The company had selected a person for this function who had to control decisions that she herself had made in other functions (chap. 12.5, p. 116).

Freedom of Information

As the supervisory authority for freedom of information in the state of Berlin, the BlnBDI has again Followed developments on the Transparency Act, which ultimately failed again. Continue to bet administrations often fail to adequately manage access to official information. The annual report describes the problems based on several individual cases (chap. 16, p. 142).

The full report is available on the website:

www.datenschutz-berlin.de/annual-report-2022