Resolution of the Conference of Independent Data Protection Authorities

Federal and state governments – September 12, 2019

Digitization of administration

data protection compliant and citizen-friendly!

The federal government wants to modernize the registers kept in the administration and is planning

in this context easier access to data stored there

personal data. According to the Conference of Independents

data protection supervisory authorities of the federal and state governments (data protection conference).

this project does not lead to the introduction of uniform, cross-administrative

personal identification number or

identifiers

to lead. Rather, the protection of

Fundamental rights and freedoms, in particular the right to protection of personal data

data, have priority. It is equally important to give the citizens the better

To offer services combined with a significantly higher transparency.

Federal government tackles modernization of registers

The federal government

has with

the Online Access Act

a

extensive

Digitization program started for administration in Germany. federal and state governments are

obliged to provide their administrative services electronically via administrative portals in the future

to offer. User accounts are to be provided, which users can use to access the im

Portal association available electronic administrative services from the federal and state governments

can be identified uniformly.

In this context, the National Regulatory Control Council (NKR) has opted for a

modernization of the German register landscape and recommended that

certain basic data from citizens and companies only have to be communicated once

("Once Only" principle). The NKR has also suggested data protection-compliant

Identification numbers for people, companies, as well as buildings, apartments and

To create and use parcels and to set up a "data cockpit" in which the

Citizens can keep an eye on all government data flows.

The introduction of such identification numbers for people is currently under the leadership

of the Federal Ministry of the Interior, Building and Community (BMI) from the federal government

tracked. In its 28th meeting on March 12, 2019, the IT Planning Council approved the BMI

submitted "Guidelines for modernizing the register landscape" and approved

the

"Suggestion

for the improvement of

identity management as part of

Register modernization" and welcomed the planned project.

Data protection-friendly and transparent design for citizens

Citizens

Already

the

creation

more uniform

and

cross-administrative

Personal identifiers or identifiers and a corresponding infrastructure

for data exchange harbor the risk that personal data will be lost on a large scale

Dimensions

easily compiled, linked and combined into one comprehensive

personality profile could be completed. The data protection conference points out

points out that the Federal Constitutional Court has for decades

Introduction and processing of such personal identifiers very narrow limits

Imposed as they are massively within the scope of the right to informational

Intervene in the self-determination of affected citizens. Already the

Possibility of comprehensive cataloging of citizens

the state endangers personal rights, since they become one with people

anticipatory adaptation of their behavior. Also the principles of

European General Data Protection Regulation

and

their regulations

to the

data protection-compliant design

set

uniform

and

administrative

general personal identifiers narrow limits and require appropriate

Guarantees to respect the rights and freedoms of data subjects.

Especially with regard to the planned use of modernized registers for

future census surveys and planned/modernized access rights of

Security authorities require special protection for those affected

Persons. The high risks for the right to informational self-determination

must be in a comprehensive regulatory, but above all technical and

organizational concept. Only in this way can those from German and

guarantees required by European constitutional law are maintained.

The modernization of the registers must also be used for this right from the start

will allow citizens the use of the online access law

envisaged services through the use of data once stored

2

facilitate. It is also of particular importance that the citizens

citizens a significantly higher level compared to the current situation

to ensure transparency. A "data cockpit" like the NKR already has

has proposed must allow citizens to do so at any time

to understand which register holds which data about you, which authorities

accessed it and what other data it was linked to.

At the same time, it must be ensured that only those affected

Citizens can access it. On this basis, the

Digitization of administration can be used to reduce the informational power imbalance

between the state and citizens largely abolished and give them the

significantly facilitate the exercise of their rights.

In the opinion of the data protection conference, the decentralized

Register structure preserved. The use of uniform, administrative

general personal identifier

or.

identifiers

to the

direct

The data protection conference rejects the identification of citizens. She

calls for alternative methods of unique identification. In addition to matching over

the respective data record of the register would at best be sector-specific

personal identification numbers that allow clear identification,

prevent unilateral state comparison of data, a maximum of

Enabling transparency, for example through a data cockpit, the risk of

Reduce abuse and compromise and improve registry uniqueness

guarantee.

3