

## Uniform rules for data protection fines in Europe

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At its meeting of May 24, 2023, the European Data Protection Board (EDPB).

final guidelines for setting fines following a public consultation

taken. The practice of fines by the data protection supervisory authorities in Europe is now taking place

according to uniform standards. As representatives of the German data protection supervisory authority

were at the European level the data protection supervisory authorities of Berlin, Hesse and the

Federal involved.

In the event of violations of the General Data Protection Regulation, the European supervisory authorities

regulation (DSGVO) fines. These can be up to 20 million euros or at companies

up to 4 percent of global annual sales. With the guidelines that have now been adopted

the application of the legal requirements is being harmonized throughout Europe for the assessment of fines.

For this purpose, the guidelines provide for a five-step assessment procedure that

in particular the nature and severity of the violations and the turnover of the companies concerned

taken into account. The German supervisory authorities had previously dealt with the now superseded

Fine concept of the conference of the independent data protection supervisory authorities of the federal government and

of the federal states (DSK) showed at the end of 2019 that even in a federal supervisory system, an association

harmonization of fine practice is possible.

Meike Kamp, Berlin Commissioner for Data Protection and Freedom of Information (BlnBDI): "Through the

European guidelines for the assessment of fines, the procedure of the supervisory authorities in the

Sanctioning of data protection violations more transparent. The five-step procedure gives clear

rules for the assessment of fines and thus contributes to a more comprehensible

administrative action. I am pleased that the Berlin data protection authority developed this concept

decisively influenced and thus made an important contribution to further harmonization of the EU

has done European fine practice."

Prof. Dr. Alexander Roßnagel, Hessian Commissioner for Data Protection and Freedom of Information

(HBDI): "With the adoption of the fine guidelines, there is an intensive exchange between

the Member States to a well-considered compromise. On the one hand, this carries the

different legal traditions in the EU member states and, on the other hand, provides

fundamental and long-awaited contribution to harmonizing the calculation of fines. Therefore

the necessary transparency of the penal assessment is now guaranteed, that of the immense amount

which takes fines into account."

Prof. Ulrich Kelber, Federal Commissioner for Data Protection and Freedom of Information (BfDI):

"A decision that many departments have been eagerly awaiting for a long time. historical

For the first time, we now have a standardization of the practice of fines by data protection authorities

in different member states. The guidelines are therefore the logical next step in

of European integration and can also serve as a model and orientation for the implementation

other EU laws."

The guidelines can be found on the EDPB website.

Contact for queries:

Berlin Commissioner for Data Protection and Freedom of Information

press office

+ 49 30 13889 900

presse@datenschutz-berlin.de

Hessian Commissioner for Data Protection and Freedom of Information

press office

+ 49 611 1408 119

poststelle@datenschutz.hessen.de

The Federal Commissioner for Data Protection and Freedom of Information

+49 228 997799 5100

