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One year DS-GVO - the direction is right!©

BenediktGeyer / pixabay.com On May 25, 2019, the General Data Protection Regulation will be one year old.

Their effects are obvious and significant. They concern data processing in the European Union, but in particular also the perception of the need for data protection in Europe and beyond. Awareness of data protection is now increasingly permeating business, administration and society. This is not least due to the General Data Protection Regulation. The General Data Protection Regulation has brought improvements for the citizens. You now have extensive rights to assert yourself in the digital world. Those affected must be informed comprehensively and appropriately. You have rights to information, correction, deletion including the right to be forgotten and other rights in order to assert your positions, especially against large digital groups, and to retain the power of disposal over your data. In its focus on people, the General Data Protection Regulation is an expression of effective protection of fundamental rights. Those responsible are subject to a certain and sometimes increased effort. In doing so, however, it is becoming increasingly transparent in business and administration which data processing methods already exist, how they are related and how optimization possibilities can be exploited. The General Data Protection Regulation brings benefits beyond data protection because it triggers a digital checkout crash. It should not be concealed that the General Data Protection Regulation can certainly cause effort and costs in business, administration and society. These efforts and costs are not all new, however, but build on the necessities of the old legal situation. Further developments are always necessary in order to do justice to the dynamics of digital developments. The independent data protection supervisory authorities of the federal and state governments are obliged to protect fundamental rights and support citizens in particular in not only having their fundamental right to data protection, but also in enforcing it. This has led to a considerable increase in the workload for the supervisory authorities. However, this increased workload is expedient because it serves the citizens. Despite the strained resource situation, the supervisory authorities managed to reduce a wide range of uncertainties in the first year by providing comprehensive advice and information. Numerous individual cases were successfully concluded. Success here means securing data protection and not primarily imposing sanctions. However, the data protection supervisory authorities do not hesitate to impose effective sanctions and measures in the event of violations of data protection law if this is necessary. The General Data Protection Regulation was initially criticized. Many of these points of criticism could be cleared up after

factual information corrected hysterical and exaggerated reactions. Some points of criticism essentially refer to the question of which responsible persons have to implement which measures in which form. Small, medium-sized companies in the manufacturing sector must always take the requirements of the GDPR into account just like large digital companies. However, with its risk-based approach and the necessary appropriateness of measures, the GDPR offers opportunities for differentiation. Action by the supervisory authorities in the application of the GDPR, which reduces legal uncertainties, reduces the scope for criticism. But the applicable law is determined by the legislators. Almost three years after the GDPR was passed, there are some indications that many of those responsible have not yet fully implemented it. This depends to a large extent on the size of the institutions concerned. While in the area of large companies the implementation of the General Data Protection Regulation was often organized as a project and backed with targets and resources, in other areas this seems to have been done selectively. The reasons for this vary. In many cases, despite the available materials and several advisory and information initiatives, there still seemed to be uncertainty about the necessary implementation measures. In smaller business and administrative units in particular, limited resources may have made necessary implementation processes more difficult. However, the available findings also show that deficits often did not arise with a view to the new requirements of the GDPR, but apparently already existed at the time of the old legal situation. However, the pressure to implement and impose sanctions associated with the GDPR now makes this recognizable. The same applies to the obligation to report data breaches; here, too, it cannot be assumed that the number of incidents with the GDPR has increased significantly. The enormous increase in reports of data breaches may have been caused less by an actual increase in the number of incidents and more by the threat of sanctions, but also by the significantly tightened requirements of the statutory reporting obligation. Overall, the increased awareness of data protection requirements through the GDPR has led to increased activity. More leaders are doing a lot more than before May 25, 2018. But not all are doing enough. After a year, the General Data Protection Regulation is moving into calmer waters. It goes in the right direction and in the concrete application and the thorough formulation of its requirements it becomes clear that a wide range of leeway can be used sensibly. The data protection supervisory authorities of the federal and state governments want to and will continue to support citizens on this path. The aim is and remains to secure freedom in the digital world.

More information:

- Information on the General Data Protection Regulation
- Video on the General Data Protection Regulation (English)
- Website of the conference of independent data protection supervisory authorities (Data Protection Conference)
- Website of the European Data Protection Board
- Infographic of the European Data Protection Board

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