Monday, June 18, 2018 2: Press releases Digitization in Schleswig-Holstein – Opportunities through Open Source In its plenary session on June 14, 2018, the Schleswig-Holstein state parliament unanimously decided that the use of open source software ("open source") will in future be a special should play a role. With such software, the program code is open and therefore verifiable, in contrast to closed source software. The resolution of the state parliament states the goal of "converting as many procedures as possible to open source software in the event of significant changes or new assignments". Marit Hansen, State Commissioner for Data Protection Schleswig-Holstein, supports this concern: "Data protection cannot be achieved without controllability of data processing. In turn, transparency is essential for controllability. And a suitable basis for this is open source software. I am therefore pleased that this point should be emphasized as a criterion in future procurements and tenders. This complements the tender criteria of data protection compliance and data protection by design, as required by Article 25 of the General Data Protection Regulation." MEPs have asked the state's central IT management to submit a report by early 2020 "on how and in what time frame the goal of the complete replacement of closed source by open source software" (LT-Drs. 19/756). Hansen emphasizes: "Careful development of this strategy is certainly necessary. But the administration has to demand the implementation of the requirements of transparency, security and data protection in data processing from manufacturers and service providers anyway. The administration also has the power to make open source a condition when it is commissioned to develop its own specialist procedures , often dominant corporations". Hansen also shares this view from a data protection point of view: "In fact, these corporations currently determine the rules of large parts of our digital life. Alternatives that would be better from a data protection point of view have had a hard time on the market so far. With the General Data Protection Regulation, the conditions for providers of data protection-compliant and secure solutions are becoming significantly better, but the status quo of today's software is still a long way from data protection and security being built into the systems from the start. Appropriate open source licenses not only make it possible to get to the bottom of non-transparent data transfers to the manufacturer and other data leaks, but even to turn them off directly in the code. Hansen sees a focus on open source software as a necessary step that others must follow: "We must not stop here. On the one hand, software is of course only part of the data processing system - hardware and services must also be easier to test. The same applies to standards in the area of complex security procedures, e.g. encryption algorithms used worldwide: the Snowden documents have revealed that they can contain hardly transparent backdoors for official access. On the other hand, being "open source" alone does not guarantee that the processing systems are more secure. A theoretical possibility of verification is

not sufficient; the procedures used must actually be verified. In the past, there were also cases in open source components in which security deficits only became apparent very late. Nevertheless, the following applies: the public nature of the source code with the possibility of independent verification is no guarantee of security, but an important prerequisite for it." Important for sovereignty and breaking out of existing dependencies on large corporations that do not want to be seen From Hansen's point of view, there is sufficient know-how among those responsible: "The country needs experts in the areas of information security and data protection so that the administration can fulfill its control obligations. Schleswig-Holstein will only be able to use the potential of digitization in a responsible and future-proof manner with a suitable system design and review."

"Use of Open Source Software" (LT-Drs. 19/756) [Ext.] Excerpt from the 2017 activity report of the State Commissioner for Data Protection

"Information security - from 'I love you' to 'WannaCry'" If you have any questions, please contact: The State Commissioner for Data Protection Schleswig-Holstein

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