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P r e s s e release

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More "green": Berlin data protection officer publishes updated information

on data protection-compliant video conferencing services

The Berlin Commissioner for Data Protection and Freedom of Information has published its "Notes for Berliners

Responsible for providers of video conferencing services" in an updated and expanded

version published. A total of eleven providers are now on the legal level by the

proven traffic light system with "green" and then a technical test

subjected. On the technical level, the instructions are now clearly differentiated and

include different use cases. For three different scenarios Berliner

Companies, authorities and associations can see at first glance which of the tested ones

Video conferencing services come into consideration for them: There is a separate one for each use case

Traffic light. The paper also contains some information on each of the 23 services or service groups examined

very detailed explanations of the defects and notes on configuration.

The Berlin data protection officer had a first version of their information on July 3, 2020

released. The supervisory authority is reacting to the update in view of the

Corona pandemic continued high interest from companies, authorities, associations and

freelancers in Berlin, information on data protection-compliant use of

obtain video conferencing services. In addition, a large number of providers of

Video conferencing services to the Berlin data protection officer and to check their

Offers requested.

In order to remove the hurdles for those responsible in Berlin for the lawful use of

video conferencing services, the authority has in particular the standard

Contract processing contracts of the providers checked. So far when examining the

No defects were found in the contract documents, a cursory examination of some was carried out

technical aspects of the Services.

In close exchange with the providers, it has been possible, which was originally very successful

to eliminate numerous and serious data protection deficiencies of many offers. So

The authority was also able to compete with various market-strong providers compared to the first

Version of the instructions clear, although unfortunately not sufficient in many cases

achieve improvements. Several providers have the Berlin data protection officer

However, further improvements will be announced in future versions of the Notes

will be taken into account. A larger number of new providers were also added.

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The offers assessed as admissible in the short test serve very different purposes

needs. Some offerings are more for smaller video conferencing, others are

also suitable for large numbers of participants. Most offers are only suitable for

normal protection requirements, but there are also offers with end-to-end encryption

which the provider cannot eavesdrop on the communication either. Individual offers are even

free to use.

The short check takes into account the requirements for data exports to third countries outside of

EU and EEA resulting from the ECJ judgment "Schrems II" of July 16, 2020 (C-311/18).

Questions arising from a possible

Applicability of foreign - especially US-American - rights to data processing in

surrender to Europe. The requirements correspond to those on which the

Data protection supervisory authorities of the federal and state governments with the "Orientation Aid

Video conferencing systems" of the data protection conference (DSK) of October 23, 2020,

as far as these were testable from the user perspective.

The supervisory authority points out that they do not carry out a comprehensive examination of the services

carried out, but limited itself to central aspects. In particular, none

comprehensive technical examination and usually no examination of the

Data protection declarations of the providers takes place, since these are only those who are responsible for themselves

Data processing affects the video conferencing service provider and not that of the

responsible authorities in Berlin when using the services.

Insofar as there are legal deficiencies in the checked documents, the services may only

be used if different agreements have been made with the providers.

The list is updated continuously by the Berlin Commissioner for Data Protection and Freedom of Information

supplemented if it examines other offers as part of its supervisory and advisory activities

Has. In particular providers of video conferencing solutions who offer their service Berliner

provide those responsible and special functions such as an end-to-end

Encryption, integration of professional user management systems or a high level

Allow number of participants are invited to provide contractual documents and technical

Submit information for a short check to the Berlin data protection officer.

Maja Smolczyk:

"I am pleased that our advice has persuaded so many providers to sell their offers in

To improve data protection in some cases very significantly. There are now enough of them

legally usable services for a wide variety of purposes, so there is no reason

breaking data protection law for video conferencing. If a provider with legal

not moved by the inadequate video conferencing service, it is high time to make the switch.

Convenience cannot justify the violation of fundamental rights.

Authorities and large companies in particular should also consider whether to cannot operate the video conferencing solution themselves. This prevents impermissible data leakage much more likely to control and prevent.”

The results of the short test can be found on the website of the Berlin Commissioner for Data protection and freedom of information at <https://www.datenschutz-berlin.de/infothek-und-service/themen-a-bis-z/corona-pandemic.html>. The orientation aid

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Video conference systems of the data protection conference (DSK) of October 23, 2020 is under [https://www.datenschutzkonferenz-online.de/orientation assistance.html](https://www.datenschutzkonferenz-online.de/orientation%20assistance.html).