Press release of the conference of the independent data protection supervisory authorities of the federal and state governments

Protection of personal data when transmitted by e-mail

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Controllers and processors are required by law to adequately mitigate the risks arising from their processing of personal data. This also applies to risks arising from the transmission of personal data by e-mail. The legally required protection of personal data in the course of the transmission of e-mail messages extends to both the personal content and the circumstances of the communication, insofar as information about natural persons can be derived from the latter.

Both transport encryption and end-to-end encryption reduce risks for the confidentiality and integrity of the transmitted personal data for their respective application. The use of transport encryption only offers basic protection and represents a minimum measure to meet the legal requirements. The most thorough protection of the content data, on the other hand, is achieved through end-to-end encryption. Those responsible must take both procedures into account when weighing up the necessary measures.

The requirements for the procedures for sending and receiving e-mail messages are explained in an orientation guide that was approved by a majority of the conference of independent data protection supervisory authorities of the federal and state governments. This includes

 Mandatory transport encryption Controllers sending e-mail messages containing personal data, where a breach of confidentiality poses a normal risk to the rights and freedoms of natural persons, should be guided by TR 03108-1 and must ensure mandatory transport encryption

 End-to-end encryption: Controllers sending e-mail messages where a breach of confidentiality of personal data in the content

of the message poses a high risk to the rights and freedoms of individuals must regularly use end-to-end encryption - Carry out end encryption and qualified transport encryption.

The data protection conference recommends that those responsible, their processors and public e-mail service providers implement the requirements specified in the guidance in order to ensure the protection of personal data when transmitted by e-mail.

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