

Friday, March 27, 2020 2: Press releases Data protection report for 2019: more awareness, more questions, more data breaches Full text of the report Marit Hansen, the Schleswig-Holstein State Commissioner for Data Protection, presented her activity report for 2019 this week: Auf almost 150 pages, the topics of data protection and freedom of information are examined, recommendations are made and improvements are demanded. Interesting cases serve as a warning example of how those responsible should not do it. Data protection in times of the corona pandemic? "Yes, data protection is important, especially in times of crisis," says Hansen. "People who are worried about their data contact us almost every day. They do not feel well enough informed to understand how the state, companies or their employer handle the data that is collected and evaluated there on the grounds of "Corona". They also fear that their data is not adequately protected against unauthorized access

could be misused. That's why we regularly provide information via our website." A well-considered approach instead of half-baked hasty shots – realistic? New data processing is currently being introduced in many places, e.g. B. Registration obligations of customers or employees in the trades. Systems are also being set up so that numerous actors in the health sector can access certain data on patients or their contact persons. Hansen can understand the high speed in crisis mode, but insists that the proportionality of the planned data processing is always checked and that sufficient guarantees are given for people's rights and freedoms. "In the past year we have noticed that, on the one hand, the public's awareness of data protection has increased - this is reflected in the large number of complaints and questions. On the other hand, there is on-site competence in the companies and authorities with the operational and official data protection officers. These are the pillars of good data protection because they take a look at and evaluate the internal processes of your organization. However, the condition for this is that they can do their job, have the necessary expertise and get the advice of those responsible - so far that has not worked everywhere." Data protection officers supporting pillars:

Paragraph 1.3 For the current situation, this means: "Anyone who has not informed their data protection officer about the adjustments or reorganization of data processing (e.g. for home office or the processing of health data) should urgently do so!" Hansen. Hansen's office, the Independent State Center for Data Protection Schleswig-Holstein (ULD), is still available to advise the operational and official data protection officers. Digitization with data protection and security Hansen expects the corona pandemic to give digitization a boost: "However, global players who are not so particular about data protection continue to dominate the market. Here, the fact that too few safe and data protection-friendly alternatives were used takes revenge. The

General Data Protection Regulation actually offers the tools to oblige global market players to comply with data protection – but this requires staying power on the part of the supervisory authorities in Europe and the way through the courts.” According to Hansen, this is also due to the abstract formulations in the General Data Protection Regulation (GDPR), which must be specified by the supervisory authorities and courts. GDPR:

Paragraph 2.4 Better

Security:

Paragraph 2.3 Judicial proceedings can extend over a long period of time: Since 2011, proceedings have been underway regarding a ULD decision to deactivate a Facebook fan page, for which the European Court of Justice (2018) and the Federal Administrative Court in Leipzig (2019) have made it clear that No organization that uses such fan pages can escape (joint) responsibility under data protection law. In 2020, the Schleswig-Holstein Higher Administrative Court will deal with it again.

facebook

fan pages:

Paragraph 7.1 Another instrument of the General Data Protection Regulation - the certification of compliance with the General Data Protection Regulation - is still idle, although Hansen's office is particularly committed to this. "Many people would like to be able to quickly get an overview of whether data processing is data protection compliant with a data protection certificate - but that is difficult at the moment. At least things are moving forward in Europe. We expect that the first certification procedures in Germany can begin this year," says Hansen. Certification:

Paragraph 9 Hansen sees increasing digitization as an opportunity if data protection - and also freedom of information - are built in right from the start, i.e. "by design". From their point of view, the appropriate pseudonymization and anonymization procedures are particularly relevant, as they are now also being discussed for research with health and pandemic data. There is also a need to catch up in terms of better transparency. pseudonym
tion:

Paragraph 10.1 Transparency:

Paragraph 1.5 Data breaches - a cause for concern! Compared to the previous year, many more data breaches were reported to the ULD in 2019 than in the past. Hansen assumes that the number of unreported cases is enormous: "The data breaches that are reported to us show that the organizations are aware of this and that a reporting process has been established as

required by law. The data leaks are very different: misdirected letters, open e-mail distribution lists, lost USB sticks, computer infections with malware or programming errors – all of this is reported to us almost every day.” Hansen is not only worried about the increase in malware infections , which occur again and again in waves in Schleswig-Holstein, but above all those areas in which reports are not reported at all or very sparingly: "It would at least be unusual if data protection errors never occurred with thousands of employees who handle personal data. In 2019, the ULD received only one data breach report from the judiciary. In fact, the police department has not reported any data breach at all for the whole year. In her report, Hansen wonders whether the employees have been sufficiently sensitized to the topic and whether reporting channels have been defined and made known. Data breaches:

Paragraph 1.4 / Police:

Paragraph 4.2.5 / Justice:

Paragraph 4.3.3 / Medicine:

Paragraph 4.5 / Economy:

Paragraph 5.3 Even in the current situation of the corona pandemic, it is important to Hansen that sensitive health data is not handled carelessly - from collection to deletion, regardless of whether it is available digitally or on paper. She emphasizes: "The fact that cubic meters of patient data were freely accessible in the city center last year must not be repeated." Care is also required if personal data is not processed in the office but in the home office. “Currently, fewer data breaches are being reported to us than in the past. However, I expect malware to spread more widely in the near future, because many computers go online outside of a professional corporate infrastructure. The risk of errors or misuse of data is increasing.”

dates in the

Downtown:

Paragraph 4.5.5 Data protection report for 2019: facts and figures In 2019, the ULD initiated 915 procedures on its own responsibility based on complaints from data subjects. The proportion of complaints in the public area was around a quarter, the majority related to the non-public area (primarily data processing by companies). Some of the complaints were passed on to other supervisory authorities due to the ULD's lack of responsibility. In addition, 349 data breaches were reported to the ULD in accordance with Article 33 of the General Data Protection Regulation. Compared to the previous year, in which this reporting obligation applied from May 25, 2018, the average number of reported data breaches per month increased from almost 18 to

more than 29 cases. If you have any questions, please contact: The State Commissioner for Data Protection

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