

Bonn/Berlin, February 18, 2021

Press release 4/2021

BfDI criticizes 1000 days without adjustment of TKG and TMG

The Federal Commissioner for Data Protection and Freedom of Information (BfDI), Professor Ulrich Kelber, calls for the Telecommunications Act (TKG) and the Telemedia Act (TMG) to be adapted to the General Data Protection Regulation (GDPR): Even after 1000 days of full applicability of the GDPR, there are still no TKG and TMG urgent clarifications. In practice, this leads to considerable legal uncertainty among companies and consumers when it comes to observing data protection.

Both laws are elementary for electronic communication. Many provisions of the TKG either no longer apply at all or only in part, but are still in the legal text. In the case of inventory data, the applicability of the paragraphs must therefore in many cases be checked beforehand with great legal effort. The legal situation for cookies on the Internet is similarly confusing: the German TMG and the applicable European e-Privacy Directive have different requirements. The result of this uncertainty is a deluge of cookie banners that annoy users. The BfDI has been pointing out this deficiency for years, for example in its annual activity reports.

The legislator is currently planning to dissolve the data protection regulations from the TKG and the TMG and to convert them into a so-called Telecommunications Telemedia Data Protection Act (TTDSG). At the same time, the Electronic Communications Code is to be implemented in national law as part of a Telecommunications Modernization Act (TKModG). This should actually have been completed by December 21, 2020. It is unclear whether the TKModG and TTDSG will be passed before the federal elections. This could lead to significant problems, because both laws must take effect at the same time. Otherwise, the privacy of electronic communications would be jeopardized.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.