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Press release 16/2019

The Federal Data Protection Commissioner presents his 27th activity report: Positive assessment of the General Data Protection Regulation, criticism of the security authorities' increasing powers to intervene in fundamental rights

Today, May 8th, the Federal Commissioner for Data Protection and Freedom of Information (BfDI), Ulrich Kelber, submitted the 27th activity report to the President of the German Bundestag, Dr. Wolfgang Schäuble, handed over. The reporting period covers the years 2017 and 2018 and was significantly influenced by the preparations for the General Data Protection Regulation (GDPR) and its implementation from May 25, 2018.

Ulrich Kelber: "With the GDPR, a European data protection law that is directly applicable throughout the EU applies for the first time. In view of the global and ubiquitous processing of personal data, the Europe-wide harmonization it emanates cannot be overestimated. And it is already becoming apparent that this is developing far beyond Europe into a standard that states and regions, especially in Asia, North and South America, are based on."

Such a far-reaching introduction of new rules naturally led to uncertainties. The conversion to the new law also required a certain amount of effort for everyone involved. The first few months after the GDPR came into effect were therefore characterized by great fears and blatant false reports. Ultimately, not only the feared wave of warnings failed to materialize. Of course, even after the GDPR, photographs can still be taken and published under the same conditions as before, and of course names can still be on the doorbells of apartment buildings.

As expected, the extensive public debate about the new data protection law had an impact on the work of the BfDI. Since May 25 of last year, the BfDI has received 6,507 general inquiries and 3,108 complaints, which is more than twice as many as in the whole of 2017 within a good seven months Federal agencies, postal and telecommunications companies reported. On the one hand, these figures show the enormous increase in the need for advice and, on the other hand, they make it very clear that citizens exercise their data protection rights with confidence.

It was also positive to note that the vast majority of the bodies subject to the supervision of the BfDI have mastered the changeover well.

Nevertheless, Ulrich Kelber sees a need for improvement both in the GDPR itself and in national law: "The upcoming first evaluation of the GDPR should be used to strengthen the rights of citizens, especially in scoring and profiling. At the same

time, however, those information and documentation obligations that place an excessive burden on citizens, associations and small businesses without being associated with any significant added value in terms of data protection law should also be put to the test. In addition, in Germany itself, the creation of a comprehensive data protection law for employees and applicants, as provided for by the GDPR, is overdue.”

Another focus of the activities of the BfDI in the reporting period was again compliance with data protection law by the federal police and security authorities. Here, too, new data protection law has been created in many areas with the implementation of the EU data protection directive for the police and judiciary. "Unlike in the scope of the GDPR, however, the BfDI still does not have sufficient powers to enforce data protection in these areas," criticizes Kelber.

In addition, the trend that has been unmistakable for several years is becoming more and more extensive in expanding the powers of the security authorities to process personal data. "Especially against the background of a continuously declining crime rate, this development is incomprehensible to me," is the criticism of the BfDI. "Before further options for encroaching on fundamental rights are created, the security authorities should first make full use of the existing competencies. Many problems in this area appear to be due to insufficient human and technical resources rather than the inability to process personal data. We urgently need a security law break in Germany, during which the focus is on remedying existing deficiencies.”

27. Activity Report - Download

27th activity report on data protection 2017 - 2018

Annex to the press release - 27th activity report

Attachment to the press release for the 27th activity report on data protection - selected topics

contact finder

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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.