

Wednesday, March 15, 2023 2: Press releases Current data protection report: risk XXL on the horizon Download 41st activity report Dr. H. c. Marit Hansen, State Commissioner for Data Protection and State Commissioner for Information Access Schleswig-Holstein, has presented her activity report for 2022. The report provides an overview of the diverse topics of data protection and freedom of information that Hansen and her employees at the Independent State Center for Data Protection (ULD) have worked on over the past year. Unfortunately, daily business also includes numerous data breaches that should have been avoided - even in the sensitive health sector. The topics of the ULD range from anonymization, employee data protection, corona ... to certification. At the top of the hit list of complaints: video surveillance with 188 complaints and 61 requests for advice in 2022. In the case of a fitness studio chain, in which the illegality of video surveillance in changing rooms, common areas and on training areas was confirmed by the administrative court in 2019 (VG Schleswig, Judgment of November 19, 2019 - 8 A 835/17), the person responsible had lodged an appeal. In 2022, the Higher Administrative Court refused to allow the appeal (OVG Schleswig, decision of July 13, 2022 - 4 LA 11/20). Hansen welcomes the fact that legal and factual clarity has now been created here. The cameras that were the subject of the complaint have now been removed. Video surveillance: Paragraphs 5.14.1, 5.14.2, 5.14.3 Since the General Data Protection Regulation (GDPR) came into force on May 25, 2018, the ULD has been recording the number of complaints, and in the early years they had always been increasing - but in 2022 not. With 1,334 written complaints, the figure for the previous year (1,464 complaints) was not reached. Hansen still considers this a high number, but interprets it as a cautiously positive sign: "The vast majority of bodies that process personal data are now aware of their data protection obligations. Many also have knowledgeable data protection officers in the authority or in the company who check on site and also take action internally in the event of complaints. Many data protection problems are solved there without us having to intervene as a supervisory authority." The decline is also due to the fact that the ULD received fewer complaints about corona-related cases than in 2020 and 2021. Facts and figures: Number 1.2 Nevertheless, many corona data protection cases still had to be processed in 2022, e.g. B. for data processing in test centers, for health data in diving, for the advance transmission of vaccination and recovery certificates when booking a holiday apartment, for inspection of vaccination certificates in the cinema or for transmission of the vaccination status of employees to the health department. Corona cases: Numbers 4.1.4, 5.1, 5.3, 5.4, 5.5, 5.7 The number of reports of violations of the protection of personal data (in short: data breaches) has also fallen, but Hansen has not seen any trend reversal here so far: "In 2021 we had mass reports of several waves of attacks via the Internet on the servers of companies and authorities where personal data

was affected - that explains the peak value of 649 reports at the time. However, with 485 reports in 2022, the numbers from 2018 to 2020 have been significantly exceeded. In practice, the reporting discipline of data breaches leaves a lot to be desired in some places, as we sometimes find out afterwards through complaints or tips.” .3, 4.6.4, 4.6.5, 4.6.6, 5.13.1, 5.13.2, 5.13.3, 6.3.2 Hansen warns that when dealing with sensitive data it is particularly necessary to work towards their protection pay attention: "It is more than annoying when a burst water pipe renders 600 paper patient files illegible. The cases of stolen or lost data carriers on which the data was not encrypted are also problematic - encryption is now a standard measure. Cases of open data dumpsters also occur more frequently - this time in the hallway of the psychiatric outpatient clinic with data from patients and employees." A case for the public prosecutor's office was the photos of living and deceased patients shared via WhatsApp, which an employee taken during transport to the hospital. A key topic in 2022 was freedom of information: Hansen is not only state commissioner for data protection, but also state commissioner for information access and in the year under review he chaired the conference of freedom of information commissioners of the federal and state governments, which changes every year. Hansen promotes "freedom of information by design", namely the forward-looking and practicable implementation of the right to information access for both applicants and those who have to provide the information. This topic was also the focus of the ULD Summer Academy 2022. Hansen emphasizes: "The administration must modernize itself – and not only think about data protection, but also the right to access information. The aim is transparency and better comprehensibility of administrative actions for the citizens. This must become a matter of course for the administration."

Freedom of information: Numbers 1.1, 1.3, 1.4, 12.1, 12.2, 12.3, 12.4, 13.1 The importance of foresight when it comes to freedom of information is shown by the continuing numerous complaints from citizens that their applications are not properly had been processed. The "top 5 list of problems" in accessing information in Schleswig-Holstein has hardly changed in recent years. Paragraph 12.3 The tasks of the ULD include advising politicians. To a certain extent, the political roadmap can be seen in the coalition agreements. At the federal level, digital civil rights and IT security need to be strengthened. There should also be a new approach to regulations on employee data protection. Hansen comments: "Together with our colleagues in the data protection conference, we are happy to support politicians in implementing their promises on digital civil rights and achieving legal certainty in employee data protection. Cross-border solutions are also needed in the field of scientific research, which provide the necessary guarantees for compliance with data protection requirements." This also applies to the Schleswig-Holstein solution approaches and legislative initiatives, to which the ULD is happy to comment in order to introduce

the data protection perspective at an early stage. Employee data protection: Items 2.2, 8.2 Anonymization: Item 8.5 Research: Items 2.4, 4.5.1 For the future, however, Hansen sees a lot of work for the ULD and all those who deal with the protection of fundamental rights: This is what the European data strategy, in the legal acts will be obliged to pass on data in the future, raise central questions about fair implementation in accordance with the rule of law. The problems in controlling the risks that arise from the massive increase in our areas of life being penetrated by artificial intelligence (AI) will also become increasingly important in the future. Heralds are AI systems like ChatGPT, which are suddenly used for internet searches or for writing texts for all kinds of purposes: good voice quality, but "made up" claims are presented like real facts, the rights of those affected are null and void, convincing answers to the questions of data protection are missing. Suddenly you realize: The AI revolution has long since begun. In view of these trends, Hansen expresses concern: "With the speed of developments and the significant potential effects on individuals, on society and on democracy, we must not wait and accept that "risk XXL" will become "damage XXL". becomes. Instead, it is important to learn better than before from previous experience, to recognize risks and, above all, to take countermeasures in good time." European data strategy: Number 2.3 Risks and trends: Numbers 2.5, 2.6 The activity report of the ULD is available at: [https://www .datenschutzzentrum.de/tb/tb41/](https://www.datenschutzzentrum.de/tb/tb41/) If you have any questions, please contact: The State Commissioner for Data Protection Schleswig-Holstein

Independent State Center for Data Protection Schleswig-Holstein Holstenstraße 98, 24103 Kiel Tel: 0431 988-1200, Fax: -1223 E-Mail: mail@datenschutzzentrum.de Data protection report for 2022: facts and figures The number of complaints in 2022 is slightly lower than in the previous year: in 2022 we received 1,334 written complaints (previous year: 1,464), of which 259 (previous year: 283) were not our responsibility and had to be submitted to the responsible authorities. A total of 1,075 (previous year: 1,181) complaints were processed independently, of which more than two thirds of the complaints were directed against companies and other non-public bodies (757; previous year: 820), the rest against authorities (318; previous year: 361). There were also 498 (previous year: 712) consultations for the public and non-public areas.

The number of 498 (previous year: 649) reported violations of the protection of personal data according to Article 33 GDPR, Section 41 LDSG or Section 65 BDSG i. In conjunction with § 500 StPO (data breaches) has fallen compared to the peak value of the previous year, but is more than 20% higher than in 2020 (406), although no mass phenomena comparable to the security threats in 2021 were recorded. In the year under review, remedial measures in response to identified violations of data protection law were used as follows: 21 warnings (previous year: 60), 30 warnings (previous year: 51), one change order or

one two fines (previous year: three) tags for this article: news, press releases, uldArticles with similar topics: Data protection ensures free democratic elections - Planned EU regulation on transparency and targeting of political advertising Announcement - "Save the date!" - Summer Academy in Kiel on September 11th, 2023 5 years of data protection Basic Regulation: Proven standard, implementable, internationally recognized 105th conference of the independent data protection supervisory authorities: Employee data protection, AI in the police force, wireless water meter, sovereign cloud Everything you want to know about data protection, simply explained - the youth portal youngdata.de with a new website