

publication of

29th activity report 2019

The Bavarian State Commissioner for Data Protection

presents the results of his work in 2019

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Munich, May 25, 2020

Since May 2018, the General Data Protection Regulation and the

new Bavarian data protection law. At the end of 2018 had

not only most citizens, but also the state

and municipal authorities in the Free State first experiences with the

new law. The year 2019 was marked by a consolidation

and Differentiation: Old data protection problems presented themselves

against the background of the changed legal framework, previously unknown

problems arose. This is how the data protection work of my

department has developed to the level of detail. This is also shown in the 29th activity report. He employs

not only deals with fundamental questions, but also illuminates general

everyday situations from Bavarian town halls and district offices, schools

or police inspections.

Several legislative projects had to be accompanied from the point of view of data protection. In the

department of the Ministry of Education, for example, were

Regulation important data protection regulations bundled and partially

recast; There were also changes in the Bavarian law

about the education and teaching system, in the teacher service regulations

and the preparatory college regulations (article no. 10.1). In the judiciary

I got involved with a regulation project regarding the inspection of notarial

documents for research purposes (article no. 4.1). At the evaluation

of the new police task law (PAG) I was part of the so-called

PAG support committee involved (article no. 1.3).

Your personal rights - our mission

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The Bavarian State Commissioner for Data Protection informed

My office received many submissions from citizens

to process inquiries from Bavarian public authorities

and was not always able to look back on many years of consulting

resort to practice. Rather, new solutions often had to be developed

kick.

On the fundamental issues – a first focus of my

activity report – includes, for example, the identification of data subjects

the assertion of data subject rights. Here were recommendations

to formulate terms that do not make it unnecessarily

serious, rights to information or correction

to claim against a person responsible, but at the same time guarantee

that not - especially with the right to information - data worthy of protection

unauthorized third parties (article no. 2.2). From more fundamental

Also important are the questions of whether the staff council – in an authority

the counterpart to the works council - is an independent responsible person,

and whether a member of this body is also an official data protection

can be commissioned. I have worked out a solution here which

Work of the staff council is affected as little as possible, but data

property rights requirements (articles no. 9.5 and 9.6). A

seemingly "small" but also fundamental problem

a contribution to employee photos for marketing measures more public

Place. This is about, among other things, the data protection literature a lot discussed question of the relationship between (art) copyright and data property right. I stand by any use of employee photos in this Criticism of context (article no. 9.7).

Another focus of my activity report is - as in previous reporting years – data protection issues of municipal xis. This year I have the data protection background of the treatment development of building matters in the municipal council is systematically examined; I hope, that this sharpens the sensitivity in many places and leads to a data protection correct preparation and implementation of committee meetings (Contribution No. 5.1). When using video technology in citizens' meetings I am in favor of restrictive handling (contribution No. 5.2). Since I have received a number of inquiries on the subject "Whistleblower protection" by authorities, I have tips from

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The Bavarian State Commissioner for Data Protection informed updated and expanded in accordance with previous activity reports (Article No. 5.3). Discussions on IT outsourcing are not yet over municipal area. I have my current position here over- visibly compiled (article no. 6.3).

In the area of social and health administration, data protection issues of the COVID-19 pandemic have not yet been taken into account.

A contribution to data flows from the police to health authorities concerns information for the implementation of the Bavarian Mental Health Assistance Act (Article No. 7.1). Another also appreciates data flows

Contribution to the relationship between social authorities and public prosecutors

(Contribution No. 8.3). I also have a privacy-friendly

Proposed solution for the cooperation of clinics and hospital

pastoral caregivers when passing on patient data (article

No. 7.2) and the topic of "whistle-blower protection" also for the area of

youth welfare offices in connection with child welfare

attacked (article no. 8.2).

A third focus of my activity report this year is attached

technical and organizational issues, with a fundamental one

Contribution to the topic "Artificial Intelligence" is the focus. The

This contribution attempts to cover numerous facets of this complex subject

orient and the state of development in Bavaria as well as data protection

to identify any need for action (article no. 12.1). Over and beyond

I report on my work in the field of "data protection

gene assessment" (Article No. 12.2) and give in particular Bavarian

Authorities practical advice on how to prevent intrusion

of malware in IT systems (article no. 12.3) or for monitoring

of processors for remote access (Article No. 12.6).

Since the General Data Protection Regulation requires a notification of violations

introduced regulations for the protection of personal data

I receive corresponding messages every day, which in numerous cases

take data protection measures. A small ex-

Article no. 12.7 describes the choice of such cases.

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The Bavarian State Commissioner for Data Protection informed

In the year under review, I significantly expanded my range of IT

materials. For citizens in particular, the new

The free book "My data, the administration and I"

thought. Several new orientations are aimed particularly at authorities

ment aids - such as the right to information and the obligation to report and

Obligation to notify in the event of data security breaches -, further

numerous working papers and current short information (overview

in article no. 2.1).

Overall, the 29th activity report shows that data protection is a very

side matter.

The workload can only be managed with a well-organized personnel

mastered who has legal as well as technical and organizational

has satirical expertise to process submissions in a qualified manner

as well as to be able to give well-founded advice to citizens and authorities. In

my office are numerous experienced speakers

pensions, who come from a large number of different Bavarian

official authorities came to me and there after a few years

also return again. Each and every one of them brings its own

administrative practice with; this administrative practice is often indispensable in order to

Adequately locate data protection problems in technical contexts

and be able to solve. This "built-in" external expertise

contributes significantly to the high quality of the work in my office. Simultaneously

each of my speakers learns during the

Time "in data protection" a lot about its legal, technical

and organizational aspects. Many fruits of this learning process are reaping

later the home authority. And that's a good thing - it just can't be done

describe more in my activity report.

I would therefore like to take the opportunity to thank all my speakers

to thank the speakers for their tireless and competent commitment,
but at the same time their home authorities for their willingness to accept my business
post by posting employees
to support consistently. This willingness is a necessary
tion for the success of data protection in Bavaria.

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The Bavarian State Commissioner for Data Protection informed
I submitted the 29th activity report to Ilse Aigner, President of the State Parliament.
enough (photos on my homepage <https://www.datenschutz-bayern.de>
under "Press - Press Gallery" and on the homepage of the Bavarian
Landtag <https://www.bayern.landtag.de> under "Aktuelles – Presse –
press photos").

The 29th activity report 2019 is now on my homepage
<https://www.datenschutz-bayern.de> under "Activity Reports" available.
However, it can also be obtained in paper form free of charge from my office
be obtained.

Prof. Dr. Thomas Petri

The Bavarian State Commissioner for Data Protection checks the Bavarian public
public bodies compliance with data protection regulations. It's from Bavarian
Elected to the state parliament, independent and not bound by instructions from anyone.