

The state representative for

privacy and

Freedom of Information

free

Hanseatic city

Bremen

PRESS RELEASE

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The State Commissioner for Data Protection submits its second activity report after the

GDPR: "The tanker is picking up speed"

The Bremen State Commissioner for Data Protection and Freedom of Information, Dr. Imke Sommer, goes on the occasion the presentation of their second activity report according to the General Data Protection Regulation (GDPR).

the Corona situation: "People are now contacting us with new questions, for example about processing of health data in the employment relationship. The most important answer to all questions is that also in in an exceptional situation, not everything is allowed. The crucial keywords are as usual

Necessity, proportionality and legal basis. Processing is therefore lawful if it

Done on a legal basis, the mildest means are to protect all of us and especially the risk groups

to protect against disease, and in addition are not as excessive as it would be to cut down the tree in order to do so

to harvest fruit. In the employment relationship, it will therefore usually be lawful to provide information about

infections found, contact with people found to have infections, and fact

to establish that the employees have stayed in a risk area. employers

Employers must keep this information confidential, they may only use it for the purposes mentioned

purposes and must delete them at the latest by the end of the pandemic. The other employees

telling who it is is only lawful if the colleagues have the identity

of those affected need to know in order to adequately protect their families and themselves. the

Individuals must be informed of the imminent disclosure of their identity and they must be in a done in a manner that protects the dignity of those involved."

With regard to the GDPR, the State Commissioner for Data Protection and Freedom of Information says: "A Getting the European regulation up to speed will take longer than the 22 months that the General Data Protection Regulation now applies. The GDPR tanker has also picked up speed in the state of Bremen and hasn't been bobbing at the pier for a long time."

Every one thousand one hundred and eighty-fourth (1,184.) in the state of Bremen has 2019 complained to the State Commissioner for Data Protection and Freedom of Information (LfDI) that Companies, administrations or other bodies collect personal data in an unlawful manner would have processed. Since the GDPR came into force, the number of complaints from data subjects has increased by more than doubled. Since the first day of application of the GDPR, the State Commissioner for Data Protection and Freedom of information already identified data protection violations in 489 of the audit procedures carried out.

439 data protection test procedures are currently still running and could also lead to the same result

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come to the conclusion that the facts under investigation constitute a violation of the GDPR. come monthly an additional 6.9 data breach reports and 47.3 complaints on average.

The tools that the GDPR has provided to data protection regulators to grab. With her help, the Bremen state representative was able, for example, to close the Order the party to unlawfully set up a complaint portal about the behavior of teachers.

If data protection supervisory authorities determine data protection violations, the imposition of fines in space. Many European supervisory authorities have already initiated corresponding procedures.

In the state of Bremen this was possible not yet happened in 2019 for capacity reasons. the

However, the state commissioner is confident "that the Bremen budget legislature will ensure that

Bremen's data protection from the dinghy driving behind to the tugboat of the GDPR tanker."

As in previous years, employee data protection takes a high priority in the second GDPR activity report place value. Most related to the areas of telemedia and health/social affairs

Complaints in this area. It was about cases such as tracking systems in company cars, electronic

Access systems, call center recording and video surveillance. On the occasion of the survey about the

Use of the cloud-based application Microsoft Office 365, which the State Commissioner for Data Protection and

freedom of information to the 33 companies in the state of Bremen with the most employees, it turned out that

that four companies use the Graph or Delve modules, although the State Commissioner for Data Protection and

Freedom of information in the survey pointed out that these modules due to the comprehensive

Evaluation possibilities of the behavior of the employees are particularly problematic. Total shows

that the increasing digitization of working life poses a huge challenge for the protection of employee data is.

But in other areas, too, it becomes clear that social grievances are often very closely linked to

lack of protection of personal data. After the horrific murder of Kasseler

District President Walter Lübcke in his own garden, four applicants complained that

the Bremen registration authority had refused to grant information blocks, although the applicants

Work in organizations that take a public stand against violent extremist groups.

A rather curious interaction between the supposed trustworthiness of the analogue ones

Handwriting using digital techniques was evident in one case related to 34 complaints. on

The addressees saw themselves in the address field of advertising letters with their own handwriting

confronted, which had been copied from scanned participation cards in sweepstakes.

In the 14th activity report on freedom of information in the state of Bremen, the state representative for

Data protection and freedom of information their demand for transparency for the administration

Algorithms and artificial intelligence used.

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