

Tuesday, June 25, 2019 2: Press releases Investigations stopped: allegations cleared Press release in PDF format Research projects for better data protection have been carried out at the Independent State Center for Data Protection Schleswig-Holstein (ULD) for 20 years. This area is financed by funds provided, for example, by federal ministries or the EU for such purposes. At the end of 2015, a search took place in the ULD because the public prosecutor's office had initiated proceedings against the head of the ULD, Ms. Marit Hansen. The trigger for the proceedings was a former employee whose employment ended in a dispute and who also had a labor court dispute with the ULD. When he left, the ex-employee handed his criminal complaint to an acquaintance at the public prosecutor's office in Kiel, in which he claimed that the ULD's project area was deliberately incorrectly billed. Hansen immediately rejected this claim: after all, the various funding bodies such as the federal ministries or the EU have had the project accounts checked again and again for many years. Even after the search, the funding of existing projects continued and new funded projects could also be started. Now the public prosecutor's office in Kiel has come to the conclusion that the investigation should be discontinued. Hansen comments: "I am pleased that this lengthy process is coming to an end. We were able to quickly clear up every specific allegation that was made to me – the ex-employee's allegations were unfounded. However, the public prosecutor's office took a lot of time with the investigation: more than three and a half years! I have no understanding for that. I have repeatedly asked for the investigation to move forward. I submitted four notices of delay, but each time they received no response and, above all, apparently had no effect." According to the public prosecutor, the long period of time resulted, among other things, from three changes in responsibility and further delays on the part of the investigating authorities. Hansen had repeatedly asked in vain to include expertise on specific questions in subsidy law, for example from public bodies such as the state audit office or from experts for whom an assessment of the accounts would have been routine. Numerous bankruptcies and breakdowns accompanied the investigation. Hansen is critical of the course of the procedure: "Overall, I have the impression that important principles of a constitutional procedure have not been given appropriate priority. This would have included advancing the procedure in a targeted manner and avoiding delays. I would also have expected more information about specific allegations, since otherwise it would not be possible to comment on the matter. When initiating the criminal proceedings, the public prosecutor's office used the wrong funding conditions - namely those for private companies - as a basis and assumed initial suspicion on this incorrect basis at the end of 2015. I also consider the search in my office at the time to be disproportionate: After all, every settlement of subsidies is based on verifiable documents that the public prosecutor's office could have inspected even without a raid. The

confiscated data must now be returned immediately and deleted by the investigating authorities without leaving any residue."

Hansen has filed a criminal complaint against the former employee for false suspicion: "I hope that the public prosecutor's office will now quickly process my criminal complaint, which they have put on hold over the past few years ." If you have any questions, please contact: The State Commissioner for Data Protection Schleswig-Holstein

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