

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

June 18, 2019

LfDI Baden-Württemberg imposes first fine on police officers

- Employees of public bodies do not enjoy "immunity" from illegal

Data processing for private purposes –

Personal data obtained for official purposes due to unlawful processing

The fine office of the State Commissioner for Data Protection has private purposes

and the Freedom of Information (LfDI) with decision of May 09, 2019 against a

Police officers fined 1,400 euros. This is it

the first fine against an employee of a public body after

entry into force of the EU General Data Protection Regulation (GDPR) and the new state

Data Protection Act (LDSG).

The police officer asked without official reference using his official

chen user ID via the central traffic information system (ZEVIS).

Federal Motor Transport Authority the holder data regarding the license plate number of a private

chance acquaintance. With the personal details he gained in this way, he then led

carried out a so-called SARS inquiry at the Federal Network Agency, in which he

In addition to the personal data of the injured party, the landline and telephone numbers stored there

Mobile phone numbers requested. Using the mobile phone number obtained in this way

the police officer took - without official reasons or the consent of the

damaged - contact them by telephone.

Through the ZEVIS and SARS request for private purposes and the use of the

The police officer has the mobile phone number obtained in this way for private contact

Personal data from the databases of the Federal Motor Transport Authority or the

processed by the Federal Network Agency for non-statutory purposes. This

Violation is not attributable to the police officer's office, as this

Act not in the exercise of his official duties, but exclusively

committed for private purposes. The prohibition of punishment of § 28 LDSG, according to which the

provisions of the GDPR cannot be imposed on public bodies

not in the present case, since it is neither a case of misconduct attributable to the department

In the case of the actions in question, the person concerned still acted as his own

public body i.S.d. § 2 paragraph 1 or paragraph 2 LDSG is to be qualified.

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The information on the collection of personal data according to Article 13 DS-GVO can be found on our homepage

(<https://www.baden-wuerttemberg.datenschutz.de/datenschutz/>).

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Within the framework of fines according to Art. 83 Para. 5 DS-GVO, a fine was in

Amount of 1,400 euros appropriate. When measuring was in particular the

To take account of the fact that it was a first offense in which

only one person was affected.

The fine is now final.

LfdI Dr. Brink on this:

"Employees of public bodies also have to observe the applicable data protection rules

respect, think highly of. Although the state legislature has public bodies - unlike private

- exempt from sanctions in the event of data protection violations. if

Employees of public authorities, however, receive data for private purposes

use it against you personally in serious individual cases

a fine will be imposed."

If you have any questions, you can reach us on the telephone number 0711/615541-716.

Further information on data protection can be found on the Internet at

www.baden-wuerttemberg.datenschutz.de or at www.datenschutz.de.