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## BfDI welcomes decision on data mining

The Federal Commissioner for Data Protection and Freedom of Information (BfDI), Professor Ulrich Kelber, sees his legal opinion confirmed by the decision of the Federal Constitutional Court on so-called "data mining". The judges ruled that the expanded use of data under the Anti-Terrorism Database Act was partially unconstitutional.

The BfDI said: Today's decision strengthens data protection. The Federal Constitutional Court has for the first time commented on data mining applications within the databases of the security authorities. It has confirmed the view I have held for a long time: the analysis of personal data using appropriate techniques constitutes an encroachment on the right to informational self-determination. Such techniques require a clear legal basis with independent encroachment thresholds. The legislature is obliged to finally fully implement the clear guidelines of the Constitutional Court. The anti-terrorist database could be omitted entirely, since the security authorities are already using more suitable instruments for cooperation.

Today's decision on the so-called extended data use of common files by police authorities and intelligence services is in line with the case law of the Constitutional Court of recent years. The Federal Constitutional Court has repeatedly emphasized that interference with the data protection rights of the persons concerned must be measured by their intensity. Intensive interventions - such as extended data analysis - require a sufficiently clear and proportionate legal basis. This must provide for clear intervention thresholds for the authorities involved. Extensive data evaluations without important reasons are not permitted. For the security authorities, this means that they are not allowed to introduce new analysis systems with corresponding functionalities without a special legal basis.

The background to the First Senate's decision was a constitutional complaint against a provision of the Anti-Terrorism Database Act. This provision regulates the project-related use of data from the anti-terrorist database. The provision was introduced when the Anti-Terrorism Database Act was amended in 2014, on the grounds that there was a need to also carry out complex queries about the database of the anti-terrorist database. Due to a lack of technical parameters, the regulation has not yet been implemented in practice.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.