

Thiel: Use of Office 365 still critical - those responsible must establish data protection-compliant communication structures

The State Commissioner for Data Protection (LfD) Lower Saxony, Barbara Thiel, is more than surprised at the statements made by the association about an alleged ban on Microsoft Office 365. "So far, we have not issued any corresponding order or prohibition," says Thiel. "However, it is true that we view the use of these products as very critical."

The conference of the independent data protection authorities of the federal and state governments (data protection conference) has been dealing with the question of data protection-compliant use of Office 365 in the public and non-public sector for some time. The main problems here are the order processing contracts from Microsoft, which form the basis for the use of Office 365, as well as the transmission of telemetry data in the background, for which there is currently no legal basis. The data protection conference has already held numerous discussions with Microsoft in order to solve the existing legal problems.

"Due to the overall situation described, I can still strongly advise against using Office 365 from a data protection perspective," says the state data protection officer. "I hope that Microsoft will take advantage of the opportunities offered by the data protection conference and implement the necessary improvements to make it easier for its customers to operate its product in a legally compliant manner."

The LfD is also irritated by the statements made by the vocational schools. "The Lower Saxony Ministry of Education asked me for advice on the possible use of Office 365 in vocational schools. I was happy to agree to that," said Thiel. The Ministry of Education is currently collecting and evaluating various concrete usage scenarios for Office 365 at vocational schools. The LfD was provided with documents that are currently being examined. "My authority will comment on the respective data protection assessments of the usage scenarios collected and will continue to support the project with the Ministry of Education," says the state data protection officer.

Incidentally, the statement by the associations that the LfD suddenly issued a ban after the toleration of Office 365 products in schools due to the pandemic does not correspond to the facts. It is correct: In view of the first lockdown and the associated closures of schools and other facilities in spring 2020, public authorities were tolerated for a limited period of time for using digital means of communication that did not fully meet all data protection requirements. This toleration was revoked in autumn 2020 because the LfD had to assume that those responsible had used the meantime to select and set up data protection-compliant products for the continued use of digital means of communication.

"But that has obviously still not happened almost a year and a half after the beginning of the pandemic," criticizes Thiel. Due to the ongoing pandemic situation, all those responsible are required to establish data protection-compliant digital communication structures if they have not already done so.

Further information

Use of digital means of communication by public bodies

Press release as PDF document