

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

September 19, 2018

G 20 report by the LfDI Baden-Württemberg:

There is a need for action

The G20 summit on June 7th and 8th, 2017 in Hamburg was not only overshadowed by

Violent excesses by some of the demonstration participants, public discussion

also clarified that 32 media representatives denied accreditation because of alleged security

safety concerns were withdrawn.

Shortly after the allegations became known, the State Commissioner for the

data protection and freedom of information (LfDI), Dr. Stefan Brink, an investigation of the

Events as far as Baden-Württemberg authorities and journalists from

Baden-Württemberg or work here were affected. his

The LfDI presented the final report today to the Committee on Internal Affairs, Digitization and Migration presented.

From the initiated by the Federal Press Office and by the Federal Criminal Police Office (BKA)

Accreditation procedures carried out affected a total of six journalists

fen that come from Baden-Württemberg. You have been granted accreditation to the G20

summit withdrawn. The State Office for Constitutional

security protection findings, while in the police files only four of the

are saved.

The BKA did not explicitly refer to the Baden-Württemberg State Criminal Police Office (LKA).

intervened, but resorted to relevant entries in the transnational information system

to the police INPOL, where Baden-Württemberg police stations also recognized

save nits.

Koenigstrasse 10 a 70173 Stuttgart Telephone 0711 615541-0 Fax 0711 615541-15 poststelle@lfdi.bwl.de

You can find information on the collection of personal data from the person concerned in accordance with Article 13 DS-GVO on our homepage

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

- 2 -

In contrast, the State Office for the Protection of the Constitution (LfV) in four of the six cases by the Federal Office for the Protection of the Constitution (BfV) in each case by an express vote asked. Via the intelligence information system (NADIS) went to the

LfV inquiries from the BfV with a maximum response period of two days. In

In all four cases, the BfV was informed that based on its own findings

From the perspective of the LfV, there are concerns about the safety of the authorities. Subsequently became the

At its request, the BfV also provided individual findings that could be used in court.

Splits.

As a result, the LfDI found no evidence that accreditations

wrongly due to misconduct by the Baden-Württemberg security authorities

were withdrawn. However, as part of the audits, considerable manual

need for treatment identified:

First of all, some of the cases investigated by the LKA obviously did not belong

Information system INPOL. Only cases with transnational relevance are allowed there

be stored, what with criminal offenses such as insult, trespassing, or

the violation of the right to one's own image, in any case without special justification

is not to be accepted. In addition, in some cases the deletion period was not observed

tet. It is three years in cases of minor importance - and leads in the case of

Non-observance through so-called pull-along effects to the fact that other necessary ones

deletions are omitted. This is also on the part of the LfDI - for the umpteenth time -

to complain.

Another point of criticism deserves special attention: In the police information system INPOL such acts are also stored which are the subject of state legal investigations, which were later discontinued or in which there was even an acquittal. The storage of a (original) According to the provisions of the BKA law, suspects are subject to a police investigation Recurrence forecast, which is related to the individual case, conclusive and must list usable facts in order to justify continued storage.

This was lacking in the cases examined, which is why a number of data storage ments in INPOL were unlawful.

This practice was already criticized in previous audits by the LfDI office.

The police should also have their own interest in documenting the repeat risk of lung disease, since in a number of cases the courts have come to the conclusion that solely because of the inadequate documentation of the risk of repetition data delete goods.

- 3 -

After examining the procedural files of the LfV, the LfDI maintains that in principle

There are no concerns about the legality of the storage as such

still exist with regard to the votes ("security authority concerns"). However

the LfV has the main reasons for its security authority assessments

not documented in writing. The LfDI does not doubt that the

professional assessments are likely to be correct as a result. A legal one

Examination by the office of the state representative without corresponding documentation

mentation of the points of view that are ultimately relevant for the assessment by the security authorities

were decisive, is in fact hardly possible. If the LfDI subsequently

can no longer determine which of the sometimes numerous findings of the

were based on professional assessment and which were not, if the LfDI

cannot recognize which findings are particularly heavily weighted and which only casually considered or even disregarded, then he can then assessments of the LfV objectively.

This problem does not only exist with the LfDI: As far as the BKA in its safety authority recommendation exclusively on the assessment by the insurance

The question of granting or not granting depended on the Federal Constitutional Protection Office
Accreditations are ultimately based on the (internal) evaluation of a security staff, which could not be checked due to a lack of documentation.

Excluding journalists from such events goes deep into the violated the fundamental right to free press reporting. Against this background Brink considers the procedure described to be unacceptable.

With regard to the legislator, the LfDI makes two recommendations in its report:

On the one hand, for the accreditation of journalists as well as for any other security security check, which is carried out by security authorities (police, constitutional protection) is made, a legal basis must be created. In the

In fact, these reviews involve significant interference with fundamental rights informational self-determination with potentially serious consequences for

Freedom to exercise an occupation (Art. 12 GG), the freedom to trade (Art. 14 GG) and the freedom of speech and freedom of the press (Art. 5 GG). Such interventions should no longer occur in the future
Declarations of consent of the journalists concerned are supported, especially since considerable doubts about the voluntariness and thus effectiveness of such declarations.

hen.

On the other hand, Parliament should impose the obligation on the LfV to participate the findings relevant to the decision in security checks to be documented in a verifiable manner.

Conclusion of the LfDI: The focus of the media perception was the serious one

Allegation that journalists were wrongly accused of the G20 summit

Credit has been withdrawn because the police and the Office for the Protection of the Constitution data

of those affected would save unjustly. This can be done despite the errors shown

not proven in the overall analysis. However, this accusation was dismissed

due to a lack of usable documentation, not in every case by the LfDI

clear out.

Therefore, the legislature should, in the sense of a "protection of fundamental rights through procedures"

not only create clear regulations in the area of security checks, but

also impose transparent documentation obligations on the LfV.

If you have any questions, you can reach us on the telephone number 0711/615541-0.

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

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