

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

Press Office of the State Commissioner for the

Data protection and freedom of information

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February 09, 2022

Activity report data protection 2021

Advice on data protection law for ministries,  
and citizenship on issues related to the pandemic  
combat was the central focus of the last  
year

Significant increase in data breach reports

Education Center for Data Protection and Freedom of Information

(BIDIB) very successful despite the pandemic

Roads to freedom: After the pandemic, citizens should  
would like to be able to freely exercise their civil rights again

LfDI Dr. Stefan Brink: "We are committed to citizens  
quent to the side and go to possible injuries to her  
fundamental right to informational self-determination.

We also help authorities and companies to digitize

tion and early risks for the rights of

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exclude people. We show ways how

Data protection and digitization thought together and

can also be done together. without data

protection and IT security, the digital development

burden on the citizens and would be doomed to failure

– we want data protection and digitization to be successful

help.”

The year 2021 continued to be strong from a privacy perspective

shaped by the corona pandemic. With increasing duration

the interventions in the informational self-determination

right, but almost consistently more serious. At the Corona

The state commissioner has regulations of the state government

helped align the regulations with data protection law

to agree. At the end of last year, one began

intensive political discussion about the introduction of a vaccination

obligation and a vaccination register. The state commissioner advises

The state government is also working intensively on this and is bringing all data

intellectual property aspects into the political discussion.

The restrictions on civil rights caused by the pandemic

protect a high good of our constitution, namely the law

to life and physical integrity. Here a reasonable

Finding a balance with our freedom rights was and is

is also the task of data protection.

Hard interventions in many areas of life

The intensive interventions in the self-determination of the people were diverse: without 3G or 2G status, citizens denied services, with the launch of 3G on a social taboo was broken in the workplace – Employee health information went to employers basically don't do anything so far; Students were with Online exams exposed to massive controls, health Health data was collected and used in bulk. at some test centers, for example, unfortunately had to be made that sensitive data is sometimes disclosed a thousand times fen were visible.

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The state representative was able to report positive developments in the last year, however, also noticed that the Kultus-Ministry, for example, decided in July 2021 that schools should Data protection compliant digital education platform available to ensure high-quality distance learning create.

As part of his advice to the Ministry of Education, the At the beginning of last year, state representatives launched a pilot project for the use of a specially configured variant of the Microsoft 365 cloud service as part of the planned educational platform accompanied. Based on the test results obtained nisse (e.g. unexplained data flows of personal data, Processing of personal data for own purposes from Microsoft, problematic transmissions of data, for example

to the USA) the state representative advised against this

Software to be used in schools and recommended, strengthened  
to look for alternatives.

At the same time, the state representative is increasing his advisory

tion: This year the education center BIDIB offers the

responsible schools and teachers a variety of

meetings and workshops to ensure data protection-compliant digital

ensure education. For this purpose, the state parliament has

commissioned additional positions for a period of two years

approved. With these measures, the State

commissioned schools, teachers, parents and students to

to enable optimal school education even during the pandemic

. And the perspective is clear: in the future there will be a data

protection-compliant digital education platform

Overall, in 2021 many opportunities for di-

gitalization used: home office regulations in companies

and authorities have been introduced to have video conferencing

brought people together over a distance,

digitization is helping to deal with the pandemic. Of the

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State representative has supported this development to the best of his ability

supports and hopes that the numerous positive developments

can be continued.

Ways out of the pandemic - back to freedom

The Corona pandemic has the office of the State Commissioner

were intensively challenged in the past year. At the same time open

At the end of 2021, prospects for the citizens again allow more freedom. For example in the discussion to adopt the country's contact tracing strategy fit. In the Corona Ordinance, the use of the Corona warning app assigned for digital contact recording let and thus also decided that citizens their Location data not necessarily transmitted to the health department have to tell. The very comprehensive data utilization is not longer necessary for health protection, the purpose is no longer applicable for the widespread use of digital contact data collection. With of the amending ordinance that will come into force on Wednesday, February 9th does the state government comply with this requirement and largely dispenses with the collection of contact data.

The state commissioner will be appointed as soon as the pandemic is over is, all pandemic-related fundamental rights interventions on the test stand. He will approach companies that want 3G have stored wisely and insist on their deletion. sex health information, such as information on pregnancy societies or autoimmune diseases of employees may not be used in the future to sluggishly to finish or deny a promotion. Also the state commissioner will use the powers of intervention of the state tes that were justified with the fight against the pandemic set the test.

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The state representative Stefan Brink: "For the benefit of health

security measures, harsh encroachments on fundamental rights were decided.

It is only logical to follow these pandemic-related interventions to take back the pandemic. Be on it we push.”

The year 2021 in figures: Significant increase in data breach reports

Also in 2021, the state representative received one variety of complaints. With 4,708 complaints a year 2021 (74 less than 2020) remains the number of complaints still very high. The number of data breach reports even rose by more than 25 percent, reaching 3,136 reports a new high. A large security

A gap in Microsoft Exchange led to a large number of reports at the state representative. Encryption Trojans also set-zen to numerous sufferers.

The number of direct requests for advice to the agency of the state commissioner has fallen, at the same time they have risen

Registration for events at the Education Center for data protection and freedom of information (BIDIB).

Last year, the state representative recorded 2,206 consultation requests (-1,079 compared to the previous year) such as 2,016 registrations for events at the Bildungszentrum rums (+1,231 compared to the previous year).

The number of control measures carried out reduced due to the pandemic from 31 in 2020 to 10 in the reporting

Period. 129 fine proceedings were pending, 14 fine

decisions were issued. Overall, fines were amount of 319,700 euros. The proceedings against VfB Stuttgart was also discussed intensively in public.

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IT security and data protection

The year 2021 has shown: The number of cyber attacks on Authorities and companies are increasing. The state commissioner th incoming data breach reports are a clear one Indicating how much the IT infrastructure is becoming increasingly underdeveloped shelling stands. Authorities and companies should consequently expand efforts for more IT security.

Such attacks are not natural disasters resulting from the Nothing come and against which one would be powerless. Even if there is no 100 percent security against attacks and data theft: a high level of security and well equipped

In-house IT specialists help authorities and companies ment to minimize risks. In Baden-Württemberg the state government has set up its own cyber security Agency founded that advises and supports on issues of offers IT security. "The establishment of the cyber security agency shows that the state government takes the issue seriously takes", says the state representative Stefan Brink.

In the field of using artificial intelligence (AI). the state representative last year at the European participated in the drafting of an AI regulation and within the framework of a statement by the European data

protection committee (EDSA). In this year, the state commissioner strengthens his AI consulting special of start-ups and small and medium-sized companies men (SMEs) and in medical research; he supports to use new technologies effectively and in compliance with data protection clog For this purpose, the state parliament has the state representative new positions approved, so he can now do business even better can stand aside in the digital transformation. the country officer will also have his own department this year design series on topics of artificial intelligence and offer them to the general public.

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Enable digital transformation

Authorities, companies and other institutions must

Respect civil rights also in the digital world. "As a

inspection authority, it is part of our daily work to

to investigate, correct misconduct and when in doubt

also to issue prohibitions and sanctions," said the

State Commissioner Brink. The General Data Protection Regulation

greatly strengthen the powers of regulators.

LfDI Stefan Brink: "We consistently stand by the citizens

side and address possible violations of their fundamental rights

informational self-determination. We help authorities

and companies to shape digitization and

to rule out risks to human rights at an early stage. we

show ways in which data protection and digitization can be combined



can be thought of and also done together.

Without data protection and IT security, digital development would  
at the expense of citizens and would be doomed to failure  
shares - we want data protection and digitization to be successful  
help."

For the state representative, the advisory service is therefore  
centrally in order to make data protection-compliant developments at an early stage  
promote and work towards legal certainty.

Data protection is protection of freedom

The handling of personal data is a cultural  
technology, which in the data-driven networked world of ever  
is of greater importance. Citizens decide freely and independently  
determines the use of their own data. authorities and  
Companies must handle this data carefully  
and give citizens the opportunity to exercise their self-determination  
to exercise the right of consent. Data protection is not a marginal issue  
more, it affects very many areas of life and is therefore also  
important in everyday social life.

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The information and discussion offers of the State  
are heard. The website of the State Commissioner  
ten records up to 7,500 hits a day. The handout  
of the state representative are called up thousands of times  
and serve those responsible and citizens as useful  
practical help. For example, the handout was of interest  
3G at work, the position paper on continued wage payments in the

illness, updating the help for the Schrems II

Judgment, the advice on online exams at colleges and

video conferencing systems, the scoring brochure and others

Practice aids a total of more than 100,000 people. The LfDI

The newsletter now interests more than 5,000 subscribers.

Above

his

social media channel

on

mastodon

(<https://bawu.social/@lfdi>) informs and communicates the

commissioned directly with citizens. Meanwhile also have

several ministries and numerous other public bodies

how municipalities and universities decided, on the

todon server, which the LfDI operates itself, an account

and thus communicate digitally in compliance with data protection

ren.

With the newly introduced video series “B. seeks freedom” opens

the office of the landing officer continues and leads

the conversation with personalities who deal intensively with the

freedom rights data protection and freedom of information

have set. At the start of the series, the landing

commissioned Brink with former Federal Minister of the Interior Gerhart Baum

and the sociologist Harald Welzer.

In the past year, the experts from the technical

also the LfDI app for Apple

devices developed. An Android and f-Droid version that is external

have been developed are about to be published. Next to

This LfDI app offers the state representative with "DS-

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GVO.clever" a tool for clubs and also for smaller companies

accept that now easily, quickly and effectively own data

create privacy notices.

The state representative Stefan Brink: "Data protection is freedom

protection and helps to ensure that citizens are free and

can decide what to do with their highly personal

data. This is especially true in the digital world

World. Data protection and digitization only work together

men. We will continue to study the digital transformation intensively

slide."