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Data protectionists reject plans by the Federal Government for cross-administrative personal identifiers

The cross-administrative registers planned by the Federal Government and the question of responsibility within the telematics infrastructure were topics at the conference of the data protection officers of the federal and state governments (DSK), which took place on Thursday, September 12, 2019, took place in Mainz. As part of the digitization of the administration, the Federal Government is planning to modernize the registers kept in the administration and, in this context, to ensure easier access to the personal data of citizens stored there. In this context, cross-administrative personal identifiers are to be introduced. The data protection conference rejects this plan for data protection reasons and expresses serious data protection and constitutional concerns. Such personal identification could easily combine and link personal data in the various registers and collate them into a comprehensive personality profile. In addition, the data protection conference points out that the Federal Constitutional Court sets strict limits on such personal identification, as this endangers both the right to informational self-determination and the right to privacy. The state commissioner for data protection and freedom of information in Rhineland-Palatinate, Prof. Dr. Kugelmann emphasizes: "In view of the simpler access options for citizens, the digitization of the administration is to be welcomed in principle. The introduction of personal identifiers and the possibility of creating a cross-administrative profile from the personal data available in the registers are neither without alternative nor absolutely necessary in a general form. They run counter to the goals of the General Data Protection Regulation and also to the protection of personal rights in a democratic and free society." The conference also addressed data protection responsibility within the telematics infrastructure (TI). Here, the question has long existed as to whether either the practice operator or the Gesellschaft für Telematikbedingungen der Gesundheitskarte mbH (gematik) is responsible for the "connectors" between practices and TI under data protection law. The data protection conference is of the opinion that gematik is solely responsible for the central zone of the telematics infrastructure under data protection law and is jointly responsible for the decentralized zone of the TI within the meaning of Article 26 GDPR. gematik is responsible for the processing, in particular insofar as this is determined by the specifications and configurations provided by it. In order to achieve legal certainty in the question of responsibility, the data protection conference appeals to the legislator to create a legal regulation here.

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