

media information

Saxon data protection officer

Your contact person

Andrew Schneider

extension

Telephone +49 351 85471 120

Fax +49 351 85471 109

sdb.presse@ slt.sachsen.de\*

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More consultations and significant increase in reported

data breaches

Saxon data protection officer presents activity report

The Saxon data protection officer Andreas Schurig on Thursday

presented its activity report for the past year in Dresden.

On almost 180 pages, the focal points of the supervisory activity are

Statistics, information on the interpretation of the General Data Protection Regulation,

summarized on sanction practice and data protection case law.

The report also contains an overview of the published ones

Documents of the data protection conference and the

European

Data Protection Board.

High need for advice

Andreas Schurig: »As a result of the Covid-19 pandemic, digitization is in

progressed rapidly in almost all areas of life. Accordingly

personal data is being exchanged more and more frequently, what

often associated with data protection issues. numerous citizens,

Companies and above all public authorities turned with their request to me. The number of consultations increased in the reporting period to over 1,000 – an increase of almost 70 percent from that previous year.«

Pandemic as a test for data protection

In 2020, the Saxon data protection officer advised, among other things,

State government on the Corona protection regulations. Also went

Hundreds of complaints about data protection-related issues and

Request at

him, for example for contact tracing

by health authorities, data protection in the home office, data processing

in connection with the Saxon learning platform LernSax,

Health confirmations for school attendance, required information from

Page 1 of 6

Street address:

Saxon

Data Protection Officer

Devrientstrasse 5

01067 Dresden

<https://www.saechsdsb.de/>

To reach with the

Tram line 4

(bus stop Am Zwingerteich)

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[www.lsf.sachsen.de/eSignatur.html](http://www.lsf.sachsen.de/eSignatur.html)

noted conditions.

Mask exemption certificates, forwarding of lists with those who tested positive

and quarantined people to the police and much more.

»Since the beginning of the pandemic, data protection has always been an issue

Criticism. Pubs have been closed most of the time so far, slogans

at regulars' table level such as 'Data protection prevents the pandemic

Unfortunately, we were not spared. That assertion sticks

fact check did not stand. Nor does it become more correct by

is repeated more often. She helps at most those who are a scapegoat

need or solve complex problems with populist demands

want. The fact is that neither the General Data Protection Regulation nor the

further data protection laws prevent the fight against the pandemic,

they only show the limits – especially for processing

of health data. Therefore, I remind you once again that it

data protection is a fundamental right and an essential feature of our

democracy acts. Associated with the consideration of others

Every human being should continue to be able to determine basic rights

who processes their data and for what purpose. Attempts to protect privacy

to circumvent or abolish, are therefore an attack on this

civil rights and our free democratic basic order

Andrew Schurig.

In the

Year 2020 sat down the national and European

Data protection supervisory authorities strengthened with the data protection compliant

contact tracing apart. In the first half of this year vaccination and recovery certificates now came into focus. Saxony opened up the possibility of using the Corona-Warn-App as well as the implementation of model projects for the realization of Exceptions to Pandemic Restrictions.

Andreas Schurig: »It is the right way out of this pandemic if we use the opportunities of digitization. Risks and applicable law therefore should not be ignored. That goes without saying also for Corona model projects that are submitted to me for review.

Nobody is helped if the respective concept violates the principles of the Data protection violates - neither the person responsible nor the people whose data is being processed.«

Until now

Model project applications have been forwarded (Saxon Corona Protection Ordinance).

There are serious difficulties in implementation or that those submitted for model project applications Documents often incomplete and have been insufficient.

Recurring problems included ambiguities as to which bodies involved in the project which personal data process, a missing procedural description, one that has not been submitted

List of processing activities under Article 30 data protection

Basic Regulation, the non-existent representation and justification of the

Processing of employee data, in particular what access and

Access rights, documentation, employee information,

a missing deletion concept, a data protection

Impact assessment, a missing concept for information security - im

27

(Applications according to § 31

Saxon data protection officer

to the

are

Page 2 of 6

Specifically for the cryptographic protection of stored sensitive data

- as well as a lack of solutions in the planned processing

of data in third countries outside the EU. Insufficient documentation

make it difficult for the supervisory authority to assess data protection law

and delay the start of corresponding projects.

Colorful mix of topics and too few employees

Although the past year was heavily influenced by the pandemic,

therefore no fewer concerns about other data protection issues. So

received the Saxon data protection officer almost every day

and information on video surveillance. »The videograph presented as in

a focus of work in previous years. The cases often stood

in connection with the illegal use of dashcams

by the police during traffic checks," explains Andreas Schurig.

The Saxon data protection officer surveyed for the first time in 2020

Municipalities to implement the General Data Protection Regulation (GDPR). She

has been in effect since May 25, 2018 and forms the basis for a uniform

Data protection law in the European Union. The communes were under

among other things, asked whether they had already made organizational arrangements

have made in order to issue electronic requests for information to citizens, whether there is a data protection officer and to what extent difficulties in dealing with declarations of consent.

»Overall, the survey results give a good impression of how the Provisions of the GDPR until the beginning of 2020 in the Saxon municipalities were implemented. The evaluation revealed not only which ones challenges have been overcome. At the same time, the deficits increased days. These findings are already part of my consulting work in 2020 included to further increase the level of data protection in the communities improve,« Andreas Schurig draws a positive conclusion.

Citizens, companies and public authorities have repeatedly addressed themselves with questions and input on cookie banners and the use of messengers to him. In other cases, Andreas Schurig dealt with Requests for information from schools, the data protection-compliant deletion of customer profiles, with the transfer of tenant contact data to brokers and Subsequent tenants and many other concerns.

There was also the »Schrems II« judgment of the European Court of Justice, of the Privacy Shield Agreement between the EU and the USA for declared invalid. As a result, US companies are no longer able to on the previous basis personal data of EU citizens process. This decision forced a large number of economic, political and social actors to act. The Saxon

Data Protection Officer also advised on this matter.

»The volume of work in my office has increased in recent years years increased drastically. There are multiple reasons for this. So are For example, many citizens are more aware of their right to informational

Self-determination and turn to me more often. On the other hand is a  
to register an increase in tasks, which is mainly due to data protection  
Basic Regulation as well as to national and regional laws and  
regulations is due. The additional effort is visible on the basis of

Page 3 of 6

the inboxes. They have almost doubled since 2017. With 17,100  
my agency set a new record in 2020. Unfortunately, the  
Job development hasn't kept pace, so the for years  
Existing understaffing means that we are performing the statutory duties  
still not fully fulfilled. It's a ray of light and  
a first step that my department recently completed  
budget negotiations, eight new positions were awarded, which we  
want to occupy in the coming months«, says Andreas Schurig.

His agency currently employs over 30 staff, representing more than  
150,000 companies, 29,000 clubs, 2.2 million private households as well  
numerous public authorities in Saxony with regard to their handling  
monitor personal data.

Reports of data breaches at a new high

According to Article 33 of the General Data Protection Regulation, we are responsible  
obliged, in case of violation of the protection of personal

Data immediately and if possible within 72 hours after becoming known  
to report the violation to the supervisory authority. Exception: The  
Breach of personal data protection is likely to result  
not create a risk to the rights and freedoms of individuals.

"In the

in my office 635 reports from

data breaches received. Compared to the previous year corresponds

an increase of more than 40 percent. Forecast on the

This upward trend will continue in the coming years. Because with the

With the increasing digital recording of our lives, the risk of

Data breaches," explains Andreas Schurig.

The following case groups are particularly frequent in the reporting period

been reported:

year 2020 are

- Cybercrime: Typical fields of action were the

Encryption and tapping of personal data

Data from e-mail inboxes, from servers or otherwise

data carriers. \*

- Wrong shipment: This group of cases fell within the reporting period

most reports. Typical cases: documents with incorrect

Allocation, faulty enveloping or mix-up of the

recipient person. Health data were often affected

due to their high sensitivity and confidentiality

particularly high degree of care by the responsible body

demand. \*

- Open e-mail distribution lists are still the classic

of the data breach. Although here in the

The risk for those affected is generally quite low

can be estimated is such a data breach

according to the General Data Protection Regulation in most cases

notifiable. \*

- The loss of documents in the mail occurred in the year under review



frequently. If such a problem becomes known, a critical evaluation of the shipping service provider is required. \*

Page 4 of 6

- Burglary and theft are particularly problematic.

They count as criminal acts, and that's that associated risk for the persons concerned in particular high. Therefore, technical and organizational measures required, such as proper custody and Encryption of data carriers. \*

Complaints about data protection violations at a high level

The emergence of complaints and notices of data protection violations was only slightly lower than in the previous year at 1,247 (2019: 1,297). Since The General Data Protection Regulation will come into effect in 2018 the number of complaints and reports received each year more than doubled. If the entries in the non-public area fell in 2020, they public sector significantly compared to 2019.

Leading role in the data protection conference

For the Saxon data protection officer, the year 2020 was nonetheless exceptional with regard to the work in the data protection conference (DSK).

After 2003, Saxony chaired the for the second time in 2020

Conference of the independent federal data protection supervisory authorities and the countries inside. As expected, this was a high workload tied together.

Andreas Schurig: "Despite the burden of the pandemic and the restrictions on digital meetings, the results can be found under our presidency. In the past year, more than

20 resolutions, decisions, guidance and materials

published, for example on the use of video conferencing systems

and thermal imagers or

to legislation like this

Patient Data Protection Act. Without the solution-oriented and committed

This would be cooperation between the German data protection supervisory authorities

not been possible.«

Furthermore, the Saxon data protection officer organized the

European Data Protection Day, January 28, 2021 on the topic

»Cross-Border Data Transfers« took place. 'For the finally as

I was able to take part in the online conference together with

the Federal Ministry of the Interior, for building and homeland outstanding

Attract experts from the Council of Europe and the European Union.

The conference was attended by almost 1,000 participants from all over the world

the best-attended European Data Protection Day since its inception«,

sums up Andreas Schurig.

Media:

Photo: Presentation of the 2020 activity report

Articles of the publication database:

Saxon Data Protection Officer - Activity Report 2020

Left:

Page 5 of 6

Activity report 2020 (PDF file)

Figures at a glance (PDF file)

Page 6 of 6