

Ensure effective and independent data protection supervision!

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privacy

press release

Expert hearings on the new Saarland police data processing law will continue in the Saarland state parliament today, Thursday. One of the aims of the draft law introduced by the state government is to adapt police data processing to European data protection standards and specifications as well as constitutional requirements. In particular with regard to the implementation of European legal requirements, the legislative process is clearly characterized by a certain amount of time pressure, since the draft underlying Directive (EU) 2016/680 should have been transposed into national law by May 6, 2018. Since this has not yet happened, the European Commission has already initiated infringement proceedings. In view of the draft text available so far, the impression arises that the urgency in the legislative process required in view of the ongoing infringement proceedings should also be used as an opportunity to grant essential supervisory powers to the state commissioners for data protection and freedom of information (LfDI) vis-à-vis the Saarland police authorities. In addition to a considerable number of fundamental points of criticism of the draft law (see also the main points of the statement of the LfDI in the context of the parliamentary hearing), it is strange that, especially in the case of particularly serious violations of data protection law, a supervisory measures against a police enforcement authority should be dependent on the consent of the Ministry of the Interior. Such a procedure violates the independence of the data protection supervisory authority required by the European Court of Justice and is also incompatible with the requirements of Directive (EU) 2016/680, since the ministerial reservation of consent entails the risk of restricting the supervisory authority's catalog of measures and the actions of the police as well judicial control." Ultimately, effective protection of citizens during data processing by the Saarland police can only be guaranteed if there can also be objective external control of the police work. Having to ask the Ministry of the Interior for permission to exercise supervisory powers, especially in the case of serious violations of data protection regulations, is in irreconcilable contradiction to the concept of independent supervision. The Saarland legislature must not ignore the constitutional and data protection criticism of the present draft law and must ensure in the legislative process that an uninfluenced data protection control of the police authorities remains possible. Press contact: Telephone: 0681/94781-24  
Email: [medien@datenschutz.saarland.de](mailto:medien@datenschutz.saarland.de)

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Associated files

Press release Police Data Processing Act

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