

The Bavarian State Commissioner

for data protection

Publication of the 31st activity report 2021

The Bavarian State Commissioner for Data Protection

presents the results of his work in 2021

Munich, May 25, 2022

The COVID-19 pandemic has already been the focus of my activity report for the

Year 2020. However, my report for 2021 still contains numerous contributions that

deal with data protection in this context – however, there is a differentiation

to state: many fundamental questions have been clarified; in auditing and consulting practice

xis, it was now about data protection in mask exemption certificates, in which

Monitoring of 2G or 3G regulations and in connection with the test and

Vaccination management (see overview article no. 1.1). In addition, we have already

the "non-pandemic" data protection issues, some of which I will briefly mention

want to address:

Bavarian public authorities often turn to me for advice because they

want to use applications from countries that do not fall within the scope of the data

subject to the General Data Protection Regulation. There are quite complex data protection

legal questions. I have prepared what needs to be considered in this respect and tried to

way through the thicket of relevant court decisions and guidelines, in particular

to be assigned to the Union level (Contribution No. 2.2); the range of information in this

rich I will continue to expand in the current year.

In the area of police and justice, I was concerned with data protection for reliability

reviews as part of accreditation procedures for a long time. in the

period of time, a legal regulation of this by the police in the case of large

instruments used at events (Article No. 3.2), which recently also

approved by the Bavarian Constitutional Court. The data protection check

identification service measures on the occasion of the prosecution of

The result was that the police were sensitized – in this “field of crime”

sometimes more intrusive prosecution measures cannot be taken in accordance with the law

be set (article no. 3.3). A practical, helpful contribution shows how easy it is to

unsuspectingly - and illegally - in the police state security information

system can be saved (article no. 3.6).

Data protection issues of general interest also arose in the area of general

internal administration. Data processing by expert committees for investigating

Development of property values (article no. 5.1) seems a little at first glance

bulky topic - its presentation, however, creates a basis for the data protection

compliant work of these bodies, which are important in real estate transactions. Reach out from municipalities

I keep getting questions about the extent to which motions for citizens' meetings are published

be allowed to become light and what data

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must be observed under protective law. Two contributions (No. 5.2 and 5.4) give practical examples

Answers.

In the area of "Health and Social Affairs" I would like to draw your attention to one contribution in particular

sam, which is dedicated to data protection in the implementation of the Measles Protection Act

met (No. 7.2). Here it is easy to observe the difficulties encountered when introducing a

ner vaccination obligation occur. A detailed article applies to the notification obligations of the medical

schen service of the health insurance companies to the service providers in the event of treatment errors

have been assessed (No. 7.10).

As far as the area of personnel administration in Bavarian public bodies is concerned,

my activity report deals with two new regulations, among other things. That's it

This includes the storage that I have long mentioned as requiring regulation

of documents about official assessments, I come to a predominantly

positive conclusion (article no. 8.2). When extending the retention period for aid

the responsible normative fiscal interests the data protection concerns

brought forward - a decision that I very much regret (article no. 8.3).

I have received a number of complaints from schools and universities about the full

achieved in accordance with the Bavarian Distance Testing Ordinance. My occupation

richt picks out such a case as an example and shows what universities can do in this respect

data protection view can do everything wrong. It becomes clear that it is worthwhile to create new

Critically accompany the process from the start and aim for an immediate remedy

Work towards deficiencies as soon as they occur (article no. 9.2).

From the contributions to the "Technology and Organization" section I have a few

considerations for data protection-compliant design of digitization processes

ranged. Based on observations made during the COVID-19 pandemic, these

weighings are of particular concern to me. Regardless of the pandemic, I can say about one

Complaint after the loss of application documents at a Bavarian public

report to a public body (article no. 10.7) and finally about a "data

tenpanne", in which the principle of confidentiality of personal data is central

was impressively missed on a Danube bridge (article no. 10.9).

As every year, my activity report includes a colorful bouquet of all the questions

which I contact due to complaints and control suggestions, requests for advice

public authorities, within the framework of standard-setting procedures and in committee work

have employed. I hope that the state authorities, the municipalities and the rest

Those responsible in the public sector in the Free State of Bavaria are just as useful as

the Bavarian citizens and that it helps to improve business processes

public administration to be data protection-compliant as far as possible from the outset.

The best data protection does not work through complaints, warnings or fines, but

rather by way of prevention. For this reason, the activity report is only a – if

same particularly traditional - means of information work. Also in the reporting period

numerous publications have emerged in my office, which fundamentally

familiar, current or particularly practical aspects of data protection. Of the

Article No. 2.1 gives an overview of this.

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The 31st activity report will be available on my as of Wednesday 25 May 2022 at 11:00 am

Homepage <https://www.datenschutz-bayern.de> in the "Activity Reports" section for

call ready. The printed version can be obtained under "Order brochures". Of the

Activity report is free of charge in all versions.

I am available to interested journalists for interviews and inquiries

to disposal. To make an appointment, please contact my office

(Telephone: 089 212672-12, email: vorzimmer@datenschutz-bayern.de).

Prof. Dr. Thomas Petri

A notice:

The Bavarian State Commissioner for Data Protection controls the Bavarian public authorities

Compliance with data protection regulations. He is elected by the Bavarian state parliament, is independent and bound by instructions.