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Press release, joint 1/2023

Joint press release - Uniform rules for data protection fines in Europe

At its meeting on May 24, 2023, the European Data Protection Board (EDPB) adopted the final guidelines on setting fines after a public consultation.

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The practice of fines by the data protection supervisory authorities in Europe is now based on uniform standards. The data protection supervisory authorities of Berlin, Hesse and the federal government were involved at the European level as representatives of the German data protection supervisory authority.

The European supervisory authorities can impose fines for violations of the General Data Protection Regulation (GDPR). These can amount to up to 20 million euros or, in the case of companies, up to 4 percent of global annual sales. With the guidelines that have now been passed for the assessment of fines, the application of the legal requirements will be harmonized throughout Europe. For this purpose, the guidelines provide for a five-step assessment procedure that takes into account in particular the type and severity of the violations and the turnover of the companies concerned. The German supervisory authorities had already shown at the end of 2019 with the now superseded fine concept of the conference of independent data protection supervisory authorities of the federal and state governments (DSK) that standardization of fine practice is also possible in a federal supervisory system.

Meike Kamp, Berlin Commissioner for Data Protection and Freedom of Information (BlnBDI): "The European guidelines for setting fines make the supervisory authorities' approach to sanctioning data protection violations more transparent. The five-step procedure provides clear rules for the assessment of fines and thus contributes to more comprehensible administrative action. I am pleased that the Berlin data protection authority played a decisive role in shaping this concept and thus made an important contribution to further harmonization of European fine practice."

Prof. Dr. Alexander Roßnagel, Hessian Commissioner for Data Protection and Freedom of Information (HBDI): "With the adoption of the fine guidelines, an intensive exchange between the member states has resulted in a well-balanced compromise. On the one hand, this takes into account the different legal traditions in the EU member states and, on the other hand, makes a fundamental and long-awaited contribution to the harmonization of the calculation of fines. As a result, the

necessary transparency of the fine assessment is now guaranteed, which takes into account the immense amount of the fines.”

Prof. Ulrich Kelber, Federal Commissioner for Data Protection and Freedom of Information (BfDI):

“A decision that many departments have been eagerly awaiting for a long time. Historically, for the first time, we now have a standardization of the practice of fines by data protection authorities in different member states. The guidelines are therefore the logical next step in European integration and can also serve as a model and orientation for the enforcement of other EU laws in the future.”

The guidelines can be found on the EDPB website.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

Pursue

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.