

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

Press Office of the State Commissioner for the

Data protection and freedom of information

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Germany has submitted, Europe is following suit: Uniform
Sanctioning of data protection violations in Europe is progressing
Ahead
European Data Protection Board adopts guidelines
assessment of fines and creates more across Europe
transparency
The General Data Protection Regulation allows European
regulators
Not
only,
in the event of data protection violations
independently and with comparable powers as one
To investigate prosecutors – the regulators have
also the power to effectively sanction violations. at

In serious cases, the supervisory authority can also impose fines
enacted Fines can be significant and up to 20 million
euros or for companies 4 percent of the world
annual turnover.

In order to create more transparency in the case of fines, the
Data Protection Conference (DSK) with the leading participation of
state representative

for

the

privacy

and

the

Freedom of Information Baden-Württemberg Dr. Stefan Brink

in the

October 2019 created its own concept for the assessment of fines.

Now the European Data Protection Board in its meeting

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of May 12 Guidelines on the calculation of fines ("Guidelines on the
calculation of fines").

The main aim of the guidelines is further harmonization of the

European fine practice. In addition to regulations on the maximum

The amount of the fine is a core element of the guidelines - similar to

Fine concept of the DSK - the determination of a basic amount

("starting point") for the metering. This is determined from three

Sizes: the classification of the act based on the violated norm, the

Severity of the specific act and the company's turnover. So

is, for example, the basic amount, which is used for medium-heavy

Violations of up to 20 percent of the statutory fine limit

can be, for micro-enterprises with a turnover of

a maximum of EUR 2 million to 0.2 percent of this amount

to reduce. The EDPB makes it clear that the

Company turnover also for the concrete calculation of fines

a significant size

is, fines reversed the

Companies shouldn't be allowed to overwhelm either.

The state representative Stefan Brink welcomes the EDSA

presented guidelines as an important building block for the uniform

Application of the General Data Protection Regulation: "We create in

Europe more transparency in the practice of fines and ensure

Legal clarity in central questions of the calculation of fines

However, guidelines are not a "fine calculator"; rather, they are required

one

effective,

proportionate

and

chilling

Sanctioning still requires concrete consideration

in the

single case.

Further information:

EDPB press release

Fine concept of the DSK