28th activity report for the years 2017 and 2018

Munich, May 17, 2019

The Bavarian State Commissioner for Data Protection, Prof. Dr. Thomas

Petri, today presented his activity report for the years 2017 and 2018

presented to the public. The report deals, among other things, with the following

upcoming topics:

The main focus of my work in the reporting period was

in connection with the data protection reform 2018 (No. 1 and No. 2

of the activity report). So I have the responsible Bavarian mini-

sterien in the development of numerous draft laws and ordinances

accompanied. This applies in particular to the new Bavarian Data Protection Act

set, which will be in time for the entry into force of the General Data Protection Regulation

regulation could come into force on May 25, 2018. Beyond that, I could

many state and local authorities in the transition to the new

advice on the protection of tenants.

My homepage now offers a wide range of in-

formations ready. This includes detailed guidance

- For example, on the information obligations of the person responsible, on the function

of the official data protection officer or the instrument of data

Tenant protection impact assessment - numerous current brief information,

which also con-

give concrete recommendations for action.

Even if the work related to data protection reform

used considerable human resources in 2018 and also continue to

claim afterwards, the data protection supervisory "All-

day work" further. The number of entries from the citizenship and the

Inquiries from the authorities in connection with the data

protection reform increased significantly in 2018 and remained continuously at a

a high status.

Fortunately, the Bavarian public authorities are taking their

obligations in the case of data protection violations (No. 3.1.6) for the most part

very serious, so that numerous messages have reached me. the

Past reports give a good overview of the work processes

Bavarian public authorities and the problems that arise there. So

I had to realize that sending sensitive documents electronically

gene is still a big topic. In addition to misaddressing

there is also often a lack of encryption to secure the

content. In many cases, therefore, faxes are sent instead

however, often leads to "typos" when entering numbers, so that

Fax arrives at wrong recipients. Malware reports

in one case also to a complete system failure lasting several days in a

a hospital show how important the subject of basic IT

Security, use of up-to-date software, virus protection and awareness-

tion of employees for all public bodies.

In addition to a critical examination of the police

law (No. 4.1.1), the report also contains comments on storage

in police files (No. 4.4). Among other things

I use two cases to illustrate the effects of the so-called

"collective clause" may have. After this regulation extends a new one

police storage the storage duration of all "old" storages, since

the storage duration for all storages depends on the longest storage

deadline. This can lead, for example, to so-called

"Sins of youth" stored by the police for unnecessarily long periods of time

remain.

I also discuss in detail the changes made in 2018 to the

Bavarian Constitutional Protection Act (No. 5.1). I see it critically

for example, that there is no comprehensive obligation to notify those affected

gives. Without knowledge of a secretly carried out intervention is an effective one

However, legal protection is considerably more difficult or impossible in practice.

Another topic is the transfer forms of the judiciary

prisons (No. 6.4.1), with which relatives give prisoners money

can let come. These were originally designed in such a way that

using the completed transfer form for third parties (e.g

bank employees) it was evident that the named person

son is in a correctional facility. At my instigation

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the forms have been changed in such a way that no more conclusions can be drawn

the prisoner status of the named person are possible.

The - which I always reminded - legal basis for the installation and

Operation of electronic water meters with radio module (No. 7.3) was introduced in

insert the municipal regulations. At the same time, the insofar prompted

Data processing enclosed and strictly limited. This new purpose

contains, on the one hand, the prerequisite that I have also requested for a long time

unlimited right to object to the use of the radio function,

which the fee debtor, the owner and the entitled

user of the supplied object is entitled to. On the other hand sees this standard

directly applicable requirements for the processing of data in a

an electronic water meter. The central data protection

technical principles of necessity (data minimization) and expediency

binding form the relevant benchmarks.

Against the background that in particular new parties leading to an election

line up, to their constituency nomination a certain number of

supporting signatures of citizens entitled to vote may be submitted

Municipality in a table record the names of citizens who already

have supported a constituency proposal (No. 7.8.2). The community

must verify that each backer endorses only one proposal

has. Further information, in particular which party supports

was, but may not be saved.

Due to a complaint, I had disagreed with the admissibility of the video

monitoring of a community service operated by a district office

accommodation for asylum seekers (No. 7.9). The outdoor area

of the accommodation was almost area-wide, the corridors of the four building

le were recorded completely. 23 cameras were used. offered

in view of the high intensity of interventions towards residents, employees,

Volunteers and visitors saw the continued operation of the facility in

not possible in this form. I have therefore asked the district office

at least a reduction in the scope of video surveillance

test. After the district office considered my ongoing concerns about

lich could not eliminate the admissibility of video surveillance

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finally agreeing to the video surveillance of asylum seekers

to forego advertising accommodation completely.

To accompany the current development of digitization in health

security (No. 8.1.3), the Conference of Independent Data Protection

federal and state supervisory authorities set up a sub-working group

set up to deal exclusively with this complex matter

should do. The Federal Commissioner for Data Protection and Information

due to its nationwide importance, the presidency of the Un-

ter working group. I am in my capacity as Chairman

of the working group on health and social affairs of the data protection conference

continuously involved in their work. The sub-working group has

already advised on numerous topics.

With guidelines, resolutions, recommendations and guidelines

the sub-working group intends to inform politicians, citizens and

administration useful tips for digitization in healthcare

to provide.

During the reporting period, I heard from several youth surveys

(No. 9.5.1) became aware. It is an instrument of the wearer

of public youth welfare, with which desires, needs and interests

young people with regard to the leisure activities, among other things

are to be queried. The result of the survey should then be

mentioned youth welfare plan.

In most cases, the public youth welfare organizations approached

next based on an anonymous survey of children and young people.

In fact, due to the concrete and extensive questions

However, a personal reference can at least be established. That's why had to

data protection regulations are also observed. So must about

Data protection notices provided and when integrating services

tern data protection regulations are observed, which in the framework

of a contract should be laid down.

The subject of several inquiries from municipalities was the access to information

passage through the municipal council: This sought the provision of a

"Best list" of trade tax payers (No. 10.2). information in sol-

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such lists are subject to tax secrecy and are often also personal

to evaluate customer-related data, for example if you are a sole proprietor

relate to a shop. My tax and municipal law

appreciation made it clear that such sensitive information

information without a specific reason

may be.

In online advance ticket sales for public theaters (No. 11.4).

personal data of ticket buyers are stored for as long as

as necessary to complete the transaction. Over and beyond-

ongoing, longer-term storage, in particular of bank details

Application data in a user account are with the consent of the respective

ticket purchaser permitted. As part of my supervisory role, I have a

Theater asked to change its procedure accordingly, as it

has so far not sufficiently observed these requirements.

In order to protect the personal data of municipal employees

ten was an inquiry from a municipality. There the right

committee of the municipal council the submission of the salary

Statements (No. 12.5) of all employees required. My exam

revealed that the committee did not agree on a general, unconditional agreement

has the right of inspection, but must specifically demonstrate in each individual case that

the knowledge of the required data for the fulfillment of his task is required

is. Only then can the public interest in a comprehensive

the audit against the protection of the - strictly shielded

ten – enforce personnel file data.

Prof. Dr. Thomas Petri

The Bavarian State Commissioner for Data Protection checks the Bavarian public

public bodies compliance with data protection regulations. It's from Bavarian

Elected to the state parliament, independent and not bound by instructions from anyone.