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Federal Data Protection Commissioner recommends evaluating the account retrieval procedure

According to the Federal Ministry of Finance, more than 900,000 account calls were approved by the authorities last year. The Federal Commissioner for Data Protection and Freedom of Information (BfDI) Ulrich Kelber is critical of the number, which is increasing every year: "Each account access represents an infringement of the fundamental right to informational self-determination. I think an evaluation of the account access procedure is urgently needed."

Automated retrieval of account information - account retrieval for short - was introduced in the wake of the September 11, 2001 terrorist attacks to better combat money laundering and terrorist financing. Since then, banks have had to keep certain account information for this purpose.

Initially, only the Federal Financial Supervisory Authority (BaFin) was allowed to access accounts for the security authorities. In 2005, the Federal Central Tax Office (BZSt) was also given the power to query. Since 2013, bailiffs have also been able to request account access from the BZSt. This means that a diagnostic tool for combating money laundering and the financing of terrorism has become an enforcement tool.

It is therefore not surprising that the number of account access requests has risen steadily, especially since 2013. In 2012 there were still 72,000 such retrieval requests to the BZSt; last year there were more than 900,000.

The BfDI further said:

With the Act to Promote Tax Honesty, the national legislature began in 2005 to expand the original scope of application. The associated restriction of the fundamental right to informational self-determination is only acceptable if legislators and authorities do everything to use this instrument moderately. For example, there must be no confusion of persons because the debtor and the alleged debtor happen to have the same name. Such errors violate the data protection principle of integrity and confidentiality and are unacceptable for those affected.

I therefore expressly welcome the improvements in the integrity and confidentiality of the data that have now been achieved by the Anti-Tax Avoidance Act. It remains to be seen whether these improvements will actually take effect. I doubt whether the account calls are still proportionate given the numbers that have been rising for years.

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.

company

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.