

711.387.1

P r e s s e release

May 25, 2018

A turning point in data protection

New data protection law: be careful, but don't panic!

As of today, the European General Data Protection Regulation applies. Kick it with her new Federal Data Protection Act and numerous state laws in force.

The self-imposed claim of the regulation is high: Stronger data protection rights of about 510 million citizens of the European Union on the one hand. On the other side aims to free movement of personal data in one of the largest Economies of the world neither restricted nor be prohibited.

The ordinance must now prove whether they exist in this tense relationship becomes. From the first Commission draft more than six years ago, to its publication on May 4, 2016 and most recently stepped up on the home straight towards the application was over Regulation much discussed.

However, a reformed data protection law is particularly important in times of Big Data and the Digitization is right and important to avoid endangering people's freedom, about their to determine data yourself, to counteract it.

However, under the regulation, clubs must continue to use their indispensable fulfill social tasks and companies develop competitive business models can develop in the future.

General Data Protection Regulation and Federal Data Protection Act

The European General Data Protection Regulation becomes directly applicable law and replaces it thus largely the German data protection law. National regulatory leeway exists only to a limited extent. The new Federal Data Protection Act sets individual

Regulatory tasks of the ordinance and creates supplementary regulations where opening clauses allow it. It comes into force at the same time.

Example data protection officer: The regulation allows the obligation to appoint a or a data protection officer in national implementing laws to other bodies

to expand The federal legislature has this scope for regulation in the new

Federal Data Protection Act used to enforce the obligation to designate operational

Adapt the data protection officer to the "status quo" in Germany.

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sanctions and advice

At the forefront of the debate are fears that violations of the

regulation can be punished with fines in the millions in the future. unmentioned

It often remains that the regulation provides the supervisory authorities with a "toolbox".

gave hands to each individual case of data protection deficits appropriately

remedy. Fines are just one of many possibilities. In the first place is the

Advice. The supervisory authorities will also make use of sanctions – however

with a sense of proportion. There are a number of ways in which the amount of a fine can be specifically determined

of aspects to be included: type, severity and duration of the violation, but also whether and

how it worked with regulators to remedy breaches, and whether

these were communicated independently.

European Data Protection Board and Data Protection Conference

National data protection authorities will work together in a new format: The

The European Data Protection Board is intended to ensure that the interpretation of the law is Europe-wide is unified. In individual cases, its decisions will be binding. The

Data protection conference will continue to focus on practice in Germany in the future

Clarify questions of interpretation and application of the General Data Protection Regulation. One

An overview of their resolutions and guidance is available here:

<https://www.datenschutz-berlin.de/veroeffentlichungen.html>

The short papers have proven to be particularly helpful – statements by the

Data Protection Conference, as in their opinion, the regulation in practice

particularly practice-relevant topics should be applied. Especially in practice

the short papers for data protection officers (No. 12), employee data protection (No.

14), video surveillance (No. 15) and in particular action plan "DS-GVO" for

Company (No. 8). The briefs are available here:

<https://www.datenschutz-berlin.de/kurzpapiere.html>

Maja Smolczyk:

"The GDPR aims to protect the right to privacy of citizens in a

to protect the digitized world and to give them the means to defend themselves against the

to effectively prevent misuse of their data. Data trading is not national

Limits stop, so this is an almost epochal step to secure

civil rights, but also of equal competition. Because from now on everyone has to

companies offering products or services on the European market

follow the same strict rules. This will no doubt also take over the European

lead to a strengthening of the right to privacy."