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BfDI criticizes 1,000 days without implementation of the JI guideline

The Federal Commissioner for Data Protection and Freedom of Information (BfDI), Professor Ulrich Kelber, calls on the federal government to fully implement Directive 2016/680 (JI Directive) into national law. It regulates the data protection to be observed by authorities in the prevention, investigation, detection or prosecution of criminal offenses or the execution of sentences. According to the directive, the data protection supervisory authorities must be given the power to issue orders to these authorities in national laws.

BfDI Ulrich Kelber criticizes the delay by the legislator: "The EU member states have committed themselves to enact all necessary laws by May 6, 2018. Germany exceeds this deadline by 1,000 days today. I can only complain about data protection violations by the federal police and customs investigators. Without national laws, I lack effective enforcement powers. This undermines the democratic legitimacy of data protection regulators and law enforcement agencies at the same time. The legislature must act immediately here."

In the spring of 2020, the BfDI received the draft of a new federal police law. However, this did not reach the Bundestag. The Customs Investigation Services Act has been extensively revised, but has not yet been signed by the Federal President. Instead, the legislature could have made an amendment to Part 3 of the Federal Data Protection Act so that the regulations did not have to be repeated for each authority in specialist laws. After all, the JI guideline for the area of the Federal Criminal Police Office (BKA) has been implemented in principle. The BKA law stipulates that the BfDI can order suitable (remedial) measures if this is necessary to eliminate a significant violation of data protection regulations. In addition to the federal police and customs investigators, the BfDI also lacks the authority to issue orders in the field of intelligence services.

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.