

## Activity Report 2021

Case numbers remain at a very high level - do not misuse data protection as a scapegoat

The State Commissioner for Data Protection (LfD) Lower Saxony, Barbara Thiel, presented her activity report for 2021 to the internal committee of the Lower Saxony state parliament on Thursday. She looked back on a year with another very high number of cases. In 2021, the state representative received 2,538 complaints from affected persons, slightly more than in the previous year (2,479). On the other hand, the number of data protection violations reported by data processing authorities rose much more clearly – from 989 in 2020 to 1673 now.

"Because of this high number of cases, it was again not possible for me to act proactively to an appropriate extent," says Barbara Thiel. "Again, for example, I was only able to carry out a few random checks. I was only able to provide the kind of advice that the General Data Protection Regulation provides for education, awareness-raising and information. I don't know how this situation is going to change significantly if my authority is not finally granted more staff."

The main focus of the complaints was, among other things, illegal video surveillance, violations of the right to information, the disclosure of data to third parties (e.g. the transmission of corona test results to the wrong person), illegal tracking on websites or unwanted e-mail advertising.

The reports of data protection violations often related to security gaps in Microsoft Exchange servers (so-called "Hafnium Hack"), to the loss, theft or incorrect transmission of data and to cyber attacks using phishing emails and encryption Trojans.

Highest fine over 200,000 euros

Overall, the LfD issued 42 fines for around 270,000 euros last year. This affected those responsible in the areas of medical care, retail, mail order and tourism as well as natural persons and an association. The violations included, among other things, the processing of personal data without a legal basis (mainly video surveillance), insufficient technical protective measures, non-compliance with official instructions and the processing of professional data for private purposes. The highest individual fine, which is already legally binding, was 200,000 euros and was set because of the video surveillance of employees without a legal basis.

Thiel combined the presentation of the activity report with an appeal not to make data protection a blanket scapegoat for failed projects and delayed processes. "In the past year, for example, there was frequent talk of the alleged super fundamental right of data protection in connection with the public discussion about the Corona measures," said the state data protection officer.

"But the right to informational self-determination was restricted just like other fundamental rights, for example through the collection of contact details in restaurants and other facilities. The sweeping assertion of the super fundamental right, of the stumbling block of data protection, must finally stop. The right to informational self-determination is not an end in itself, but serves to protect the privacy of all citizens."

The full activity report 2021 as a PDF document.

Further information

Fines 2021

Numbers at a glance