

Country must ensure protection of personal data

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Together with the State Audit Office, the State Commissioner for Data Protection and Freedom of Information for Mecklenburg-Western Pomerania calls on the state government to ensure the protection of the personal data it processes. "Many of the operating systems, office applications or video conferencing solutions used in this country cannot be operated without personal data being passed on to third parties," says the head of the authorities, Heinz Müller. "There is no adequate legal basis for this data leakage." Instead of continuing to wait for a solution between the federal and state governments, immediate action is now required. Legal basis for the transfer of personal data to the USA has been declared invalid. "Among other things, Microsoft products are affected," says Müller. A legally compliant use of these products solely on the basis of standard data protection clauses is not possible due to the principles laid down by the ECJ. Without further security measures, personal data would be transmitted to servers located in the USA. Various regulations there provide for the release of data to authorities and secret services without the data subjects having sufficient legal protection options. The State Audit Office and the State Data Protection Commissioner agree: Can the transmission of personal data not be prevented or is it necessary for the use of an application or a service functionally necessary, the state government must take appropriate measures to ensure that either the personal reference is dissolved (e.g. by anonymization) or the data is encrypted according to the state of the art. If this is not possible, processing must be stopped or an alternative product must be used that meets the requirements of the General Data Protection Regulation. Müller: "This may come as a surprise to many, but the problems we are facing have been known for a long time. As early as 2015, the conference of independent federal and state data protection authorities pointed out the dangers [1] arising from the increasing range of cloud-based operating systems and applications. Since the big

providers don't seem to be moving in this regard, the only way to protect data protection and also the digital sovereignty [2] of the state government is to resort to open source products."

Sources

[1] https://www.datenschutz-mv.de/static/DS/Daten/Entschlussungen/Datenschutz/Ent_CloudOSRisiken.pdf /Privacy Policy/20200922_Ent_digitale_Soveraenitaet.pdf

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