

Press release of the conference of the independent data protection supervisory authorities of the federal and state governments of May 11, 2023

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Under the direction of the State Commissioner for Data Protection Schleswig-Holstein, Dr. H. c. Marit Hansen, the conference of the independent data protection supervisory authorities of the federal and state governments (data protection conference) held an intensive exchange on current data protection policy issues at its conference on May 10th and 11th, 2023. In addition to discussions e.g. on anonymization, scoring procedures, the institutionalization of the data protection conference and the draft EU regulation on political targeting, the following topics were the focus of the conference:

- The new judgment of the European Court of Justice of March 30, 2023 (C 34/12) means that numerous German regulations on employee data protection must be improved. The data protection conference points out this necessity and renews its demand for a separate employee data protection law.
- In its decisions on automated data analyzes by the police in Hamburg and Hesse, the Federal Constitutional Court formulated requirements for such intensive analysis methods with and without artificial intelligence (1 BvR 1547/19 and 1 BvR 2634/20). In its resolution on automated data analysis by the police and intelligence services, the data protection conference appealed to federal and state legislators to examine whether and to what extent the decisions of the Federal Constitutional Court result in a need for legislative action. If you consider the use of complex data analysis methods to be necessary, a clear legal basis and suitable framework conditions must be created for this, by means of which the fundamental rights of data subjects are protected. The existing legal provisions are to be applied in practice in a constitutional manner.
- While the use of smart meters for electricity and heat consumption is regulated by law across the board, this has not been the case for radio-based cold water meters to date. The household consumption data, which can be called up remotely, allows conclusions to be drawn about the behavior and lifestyle of the residents. The data

protection conference considers it necessary to introduce regulations that are as uniform as possible, in which the specific purposes, the scope of the data, the frequency of retrieval and the deletion periods are defined. In addition, state-of-the-art technical and organizational security measures must be taken for use.

- With the position paper “Criteria for Sovereign Clouds”, the Data Protection Conference brings its expertise to the political discussion. The criteria developed are aimed at the digital sovereignty of cloud providers and cloud users in order to support compliance with the rights and freedoms of the persons concerned. Sovereign clouds must enable those responsible to ensure compliance with data protection obligations effectively, verifiably and permanently. The criteria include the points "traceability through transparency", "data sovereignty and controllability", "openness", "predictability and reliability" as well as "regular examination of the established criteria".

The documents that have been developed and approved will be made available shortly on the website of the data protection conference <https://www.datenschutzkonferenz-online.de/>. In advance, there is already a direct access option from this year's chair of the data protection conference at:  • DSK resolution “Need for specific regulations on employee data protection! – Jurisdiction of the European Court of Justice has an impact on numerous German regulations in the context of employment”: <https://uldsh.de/DSK-BeschaefteDS>

- DSK resolution “Observe constitutional requirements for automated data analysis by the police and intelligence services!": <https://uldsh.de/DSK-DatenanalysePolizei>

- DSK statement “Protect consumer data when using smart meters to record cold water consumption through uniform regulations”: <https://uldsh.de/DSK-Funkwasser> • DSK position paper “Criteria for Sovereign Clouds”: <https://uldsh.de/DSK-SouvClouds>

About the data protection conference: The data protection conference consists of the independent data protection authorities of the federal and state governments. It has the task of safeguarding and protecting basic data protection rights, achieving uniform application of European and national data protection law and working together to promote its further development. This is done in particular through resolutions, resolutions, guidelines, standardization, statements, press releases and determinations. Contact: Chair of the Data Protection Conference 2023 Independent State Center for Data Protection Schleswig-Holstein Holstenstraße 98 24103 Kiel Telephone: 0431 988 1289 Email: dsk2023@datenschutzzentrum.de <https://www.datenschutzkonferenz-online.de>

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