

Thiel calls for greater attention to data protection

Activity report 2017/2018

The Lower Saxony State Commissioner for Data Protection (LfD), Barbara Thiel, presented her activity report for 2017 and 2018 in Hanover on Thursday. According to Thiel, these two years have been extremely eventful, above all due to the introduction of the General Data Protection Regulation (GDPR). "Without exaggerating, I can say that my authority will probably never again be confronted with so many innovations as in the period of this activity report."

Number of inquiries doubled

According to Thiel, the GDPR, which has been in force since May 25, 2018, not only required extensive preparations at European, federal and state level. It also led to a significant increase in the workload in her agency. "Especially in the weeks before and after the GDPR came into force, we were literally overwhelmed by requests for advice. My employees had to deal with many times that, especially in the areas of health, clubs and business." While the LfD still had to process around 4,700 inquiries in 2017, it was almost 10,000 in 2018, including 8,300 consultations, more than 1,000 complaints and around 370 reports of data breaches according to DS -GMO.

More controls and checks

"We will have to shift the focus away from the consultations in the direction of controls and tests," said the state data protection officer. "Only in this way will those responsible take the provisions of data protection seriously. The GDPR has enabled us to act on an equal footing with corporations such as Google, Amazon and Facebook. We must now act accordingly if the regulation is not to degenerate into a paper tiger in the short term."

Thiel positively emphasized that there had been talks at state level at an early stage to agree on the implementation of the GDPR in public authorities. To this end, two meetings with the interior ministries of the federal states took place in 2017. Thiel, on the other hand, was clearly critical of the fact that her authority had only been granted inadequate remedial measures towards public authorities when adapting the Lower Saxony Data Protection Act (NDSDG). The LfD can issue orders to authorities if they violate data protection regulations, but cannot enforce them. In contrast to commercial companies, the data protection officer cannot impose fines on authorities. "The new NDSDG falls short of the requirements of the GDPR," says Thiel.

Criticism of WhatsApp, GPS location and TKÜ

The LfD was also critical of the use of WhatsApp for official communication by teachers, the increasing GPS location of

company vehicles and data processing by the police. In doing so, she emphasized the still considerable shortcomings in the police telecommunications surveillance (TKÜ), which have existed for years. "There are still particularly serious problems with client separation, logging and encryption of content and traffic data," says Thiel. "As a result, the operation of the TKÜ system is still illegal."

Successes in the healthcare sector and in the automotive industry

But there were also positive things to report, for example about the audit of the Lower Saxony health regions. They were asked to describe their projects for processing health data - with a pleasing result. "These projects make it clear that innovative projects are still possible in the health sector, which is sensitive in terms of data protection law, without violating applicable law," said Thiel.

Another success for data protection was the model chapter "Data Protection" developed by the German supervisory authorities and the Association of the Automotive Industry. This should be used in all vehicles from numerous German manufacturers and thus inform the driver in a compact and transparent way about the data streams in his car.

Working for the right to informational self-determination

In summary, Thiel called for data protection to be given the importance it deserves: "Unfortunately, in the course of my work, I have to state time and again that data protection - not always, but often - is seen as an obstacle and a chore. It is an essential prerequisite for the free development of the individual. I will therefore also fight constructively for the fundamental right to informational self-determination in the second half of my term of office."

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