

After examining companies, Thiel draws a mixed balance

Completion of the cross-sectional examination

So far, companies in Lower Saxony have only partially succeeded in implementing the General Data Protection Regulation (GDPR). This is the result of the cross-industry audit of 50 companies, for which the Lower Saxony State Commissioner for Data Protection (LfD), Barbara Thiel, has now presented her final report.

Major deficits in technical and organizational data protection

"We have identified areas in which the provisions of the GDPR are already being satisfactorily implemented," says Thiel. "At the same time, however, we also had to identify significant deficits that are very worrying." The companies have a lot of catching up to do in terms of technical and organizational data protection and data protection impact assessment (DPIA).

Companies must carry out this assessment in advance if they plan data processing that is likely to result in a high risk for the data subjects. The audit showed that many companies had not yet sufficiently dealt with the legal basis for DPIA.

Technical and organizational data protection measures are intended to ensure that the rights and freedoms of natural persons are adequately protected when data is processed. This includes, for example, the appropriate protection of an IT network against cyber attacks. It was particularly problematic here that numerous companies had focused almost exclusively on protecting their own interests. In data protection, however, the interests of those affected must be the focus.

However, there were also areas in which the LfD received mostly satisfactory answers. These include complex order processing, data protection officers, reporting data breaches and documentation requirements.

Nine companies rated "Red".

The companies were then evaluated with a traffic light color: green if they had performed largely satisfactorily; Yellow if there was still a need for action; Red if there were significant deficits. In the end, 9 companies received the rating green, 32 yellow and 9 red. In some of the companies rated red, the LfD will carry out more extensive checks this year. If it discovers serious violations of the data protection rules, fines can also be imposed on those responsible.

At the same time, the LfD will also support companies in eliminating the deficits that have been identified. To this end, it will publish handouts on the particularly problematic subject areas in the coming weeks. "As the supervisory authority, we have to serve both sides of the data protection coin: enforcement and control on the one hand, and clarification and information on the other," says Thiel. "In this way we achieve the best results for those affected and those responsible in the long term."

For cross-sectional testing

At the end of June 2018, shortly after the GDPR came into force, the LfD Niedersachsen sent a questionnaire to 50 medium-sized and large companies with their headquarters in Lower Saxony. These should answer questions on ten areas of data protection. The answers were evaluated using an extensive catalog of criteria. The cross-industry check was the largest random check in the history of the LfD.

For download

Final report of the cross-sectional audit

Catalog of criteria for evaluation

Questionnaire

Press release as PDF