

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

February 28, 2019

LfDI Baden-Württemberg imposes a fine on former Juso state boss

– Data protection must also be observed in party work –

Due to a violation of the purpose limitation in the processing of personal

The fine office of the state commissioner for the data

Protection and Freedom of Information (LfDI) with decision of 25.02.2019 against the

former state chairmen of the Jusos Baden-Württemberg a fine of

2,500 euros imposed.

Further allegations regarding the handling of member data by the state

The state commissioner has also

if checked under data protection law, but no violations requiring sanctions

puts.

The former Juso state chairman had in the run-up to the so-called "small state party

day" of the SPD Baden-Württemberg, which took place on April 28, 2018, from the then

Juso state manager received a list of all 168 delegates of the party congress

ten. This list, which the Juso state director with the help of the SPD

member management software had created, in addition to first and last name of the

Delegates also their age, their place of residence and the respective local and district

band to which they belonged.

With an e-mail dated April 27, 2018, the former Juso state chairman sent this

list of delegates to a circle of about ten confidants, some of whom belonged to the Juso

belonged to the state board, but some also held no political office. His

Confidants should give the Juso state chairman a vote on this basis

picture of an application submitted for the state party conference on the subject of housing

mediate planning. To do this, they should use the list sent with the respective

delegates in their district or local association or in their respective

Königstraße 10 a 70173 Stuttgart Telephone 0711 615541-0 Fax 0711 615541-15 poststelle@lfdi.bwl.de

poststelle@lfdi.bwl.de-mail.de

www.baden-wuerttemberg.datenschutz.de PGP fingerprint: E4FA 428C B315 2248 83BB F6FB 0FC3 48A6 4A32 5962

The information on the collection of personal data according to Article 13 DS-GVO can be found on our homepage

(<https://www.baden-wuerttemberg.datenschutz.de/datenschutz/>).

- 2 -

speak in circles. The state chairman misjudged that the list of delegates

intended only for the organizational processing of the party congress and the use

Therefore, making the list to form an opinion within the party is inappropriate and

was inadmissible. Evidence of undue influence on the delegates

However, the investigations of the LfDI did not result.

Since the list was sent on April 27, 2018 and thus before the EU

The General Data Protection Regulation was the Federal Data Protection Act (BDSG)

old version (old version) for the assessment of the violation. With the Übersen-

the delegates list to his confidants

former Juso

State chairmen violate the old version of the Federal Data Protection Act and in a negligent manner

processes personal data because it is inappropriate.

Within the relevant fine framework of the BDSG old version of up to 50,000 euros

a fine of 2,500 euros was appropriate. In favor of the earlier Ju-

so state chairman spoke in particular of his active participation in the

of the facts. So he contacted the supervisory authority early on

articulate and detailed the processes during his time as state chairman,

unreservedly and credibly explained. It also had to be taken into account that he

activities as state chairman on an honorary basis and he committed the violation negligently committed. On the other hand, it was to be seen at his expense that he himself and his confidants a political advantage over the other participants at the state party conference who had no access to the list of delegates and therefore not in the same way to develop political strategies in the run-up to the state party conference ten. Here again, in favor of the former Juso state chairman take into account that he only published the list of delegates on the day before the state party conference sent, so that the resulting benefit was small.

Insofar as the former Juso state chairman reported further data protection violations were charged, there was no reason for further sanctions. For an illegitimate effect of

former Juso state chairman on the election of the SPD

state chairman on November 24, 2018, the investigations did not provide any evidence ge. This also applies to so-called "profiling" by party members.

There were indications of criminal offenses, and therefore of criminal behavior - unlike in Ahead of this decision publicly discussed - not. In this respect, the LfDI also works the question of whether and to what extent informants infringe data protection on their part have acted.

- 3 -

LfDI Dr. Finally, Brink:

"When organizing internal party processes, the political parties design spaces. However, internal party work cannot be a "blind spot" for the be privacy. Data protection law also applies between party members, too within the party, the rights and obligations of data protection must be observed."

With regard to the handling of parties with member data, LfDI Brink announced further re clarification and training measures, it is important to eliminate gray areas and

the party organizations to the current status of the European data protection

to bring the basic regulation DS-GVO.

If you have any questions, you can reach us on the telephone number 0711/615541-716.

Further information on data protection can be found on the Internet at

www.baden-wuerttemberg.datenschutz.de or at www.datenschutz.de.