

AfD portal remains banned

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After today's judgment of the administrative court in Schwerin, the AfD portal "Neutrale Schule" remains banned. The judges had already denied the state association of the AfD a lifting of the ban in urgent legal protection. The court has now confirmed its legal opinion in the main proceedings.

The State Commissioner for Data Protection and Freedom of Information, Heinz Müller, welcomed the verdict: "I was convinced the whole time that we acted lawfully. With its portal, the AfD violates the General Data Protection Regulation in several respects. The fact that the judges see things the same way brings us a big step forward in protecting particularly sensitive data such as political opinions."

In the portal, the state association of the AfD called on students and parents to report those teachers to the AfD who represent political opinions in class that the AfD believes are inadmissible. The party collects not only the personal data of the students who write a report, but also the political opinions of the reported teachers. However, as a special category of personal data, political opinion enjoys special legal protection. Müller: "The fathers and mothers of the basic regulation obviously did not want any black lists to be drawn up."

According to Article 9 Paragraph 1 of the GDPR, the processing of data revealing the political opinion of the person concerned is generally prohibited. Such processing is only permitted in exceptional cases, under the conditions of Article 9 Paragraph 2 DS-GVO. But they are not given in the case of the AfD portal. In particular, the political opinion expressed by a teacher in the classroom has obviously not been made public within the meaning of Art. 9 Paragraph 2 Letter e GDPR, since a school class is not an individually non-identifiable group of people.

[Back to overview](#)