

## PRESS RELEASE

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Berlin Commissioner for Data Protection and Freedom of Information published

Annual Report 2021

The Berlin Commissioner for Data Protection and Freedom of Information (BlnBDI) published theirs today

Annual report for the year 2021. Data protection issues were again discussed in the

related to the fight against the pandemic. With the inputs and the

reported data breaches, there was a significant increase compared to the previous year.

Reasons for the increase in submissions include: responsible for the effects of the corona pandemic. So

the data protection officer received many complaints about the vaccination management of the state of Berlin,

in which the citizens to make an appointment must have a contractual relationship with a

had to go into private enterprise. Here the responsible Senate administration has the information of the

Data protection officer for data protection-compliant integration of the company has so far been ignored.

Many complaints were also directed against the corona test sites. In the course of

Data processing resulted in a number of data breaches and numerous others

data protection violations.

One of many federal states has established itself as an electronic system for contact tracing

sponsored application that had numerous legal and technical flaws. the

The data protection authority held intensive discussions to remedy the identified deficiencies with the in

Berlin-based operator. "Such a system must be data-efficient from the ground up, with strong

earmarked and designed to be safety-oriented," says Volker Brozio, acting

Head of the BlnBDI.

The data protection-compliant digitization of schools also remains a challenge. With the

Reform of the Berlin school law, Berlin 2021 has the legal basis for a

data protection-compliant lessons created. Brozio: "Fortunately, that has

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House of Representatives our proposals for the data protection-compliant use of digital teaching and Learning materials included in the school law. My authority stands by the education administration for this and other school digitization projects will continue to provide advice."

As a result of the Schrems II decision of the European Court of Justice, the

Data protection officer in 2021 intensively with the transmission of personal data in

third countries. As part of a Germany-wide campaign, she ran a partially automated

Preliminary check of 900 Berlin companies with regard to possible data exports. Included

it has been found that numerous companies do not even meet the basic requirements

have implemented.

For the first time, the BlnBDI raised two complaints against the Berlin police in a procedure

out. The reason for this was the lack of willingness to cooperate and a blatantly illegal one

Data transmission by the police. The Berlin police had unredacted files to a court

sent, whereby a lawyer can view the data of the

registerers of counter-demonstrations received.

As the supervisory authority for freedom of information in the state of Berlin, the BlnBDI last year

Closely monitored the draft law for a new transparency law. The bill failed

finally also due to the sprawling area exceptions that the Commissioner for

freedom of information had previously been criticised. Brozio states: “The creation of a Berlin Transparency Act, which lives up to its name, remains in the new legislative period the crucial task in the area of freedom of information.”

In 2021, those affected made a total of 5,671 complaints or complaints

Requests for advice to the BlnBDI – more frequent than ever before. There was another high in data breaches, of which private and public bodies reported a total of 1,163 cases. the Authority issued 212 warnings, two warnings and one order to private and pronounced in public authorities. It also imposed 61 fines totaling 133,350.00 euros.

On October 27, 2021, Maja Smoltczyk’s term of office as Berlin Commissioner for Privacy and Freedom of Information. Until a new successor is elected by the House of Representatives, the deputy Volker Brozio heads the department on an interim basis.

The annual report is available at <https://www.datenschutz-berlin.de/infothek-und-service/publications/annual-reports>. An overview of selected topics from the Annual report gives the attachment to the press release.