

GZ: 2020-0.280.699 from May 28, 2020 (case number: DSB-D124.720)□

[Note editor: Names and companies, legal forms and product names,□

Addresses (incl. URLs, IP and email addresses), file numbers (and the like), etc., as well as□

their initials and abbreviations may be abbreviated for reasons of pseudonymization□

and/or changed. Obvious spelling, grammar and punctuation errors□

have been corrected.]□

NOTICE□

S P R U C H□

Data Protection Authority decides on Richard A***'s privacy complaint□

(Appellant) of April 29, 2019 against N*** Bank AG (Respondent)□

due to violation of the right to secrecy as follows:□

1. The complaint is upheld and it is found that the□

Respondent thereby waives the right of the complainant□

breached secrecy by an employee of the Respondent in□

In the course of a currency change from 100 euros to Turkish lira, a copy dated□

made the complainant's driver's license and this copy of the□

Respondent□

retained□

and□

saved□

became.□

2. The Respondent is ordered within a period of four□

weeks to delete the data mentioned in paragraph 1.□

Legal bases: Art. 4 Z 1, Z 2 and Z 11, Art. 6 Para. 1 lit. c, Art. 7 Para. 4, Art. 9, Art. 51□

Paragraph 1, Article 57 Paragraph 1 Letter f, Article 58 Paragraph 2 Letter g and Article 77 Paragraph 1 of the Regulation (EU)□

2016/679 (General Data Protection Regulation - GDPR), OJ No. L 119 of 4.5.2016 p. 1; §§ 1□

Para. 1 and Para. 2, 18 Para. 1 as well as 24 Para. 1 and Para. 5 Data Protection Act (DSG), Federal Law Gazette I

No. 165/1999 as amended; §§ 2 Z 1, Z 6 and Z 15, 5 Z 4, 6 Para. 1 and Para. 2, 11 Para. 1 and 21

Para. 1 Z 1 of the Financial Market Money Laundering Act (FM-GwG), Federal Law Gazette I No. 118/2016 as amended.

A. Submissions of the parties and course of the proceedings

REASON

1. By submission of April 29, 2019, improved by submission of June 11, 2019, brought the

Complainant summed up that the Respondent him in his right

violated secrecy.

The respondent's branch manager had asked for a photo ID to be presented,

as the complainant paid the sum of EUR 100 in Turkish Lira (TRY)

switch

wanted to leave. The complainant, who was a former customer of the

Respondent initially refused, but eventually got his driver's license

submitted. As a result, the Respondent had the Appellant's driver's license

copied and stored, with the Respondent retaining the copy. the

Respondent's demands for an identity check are excessive and

done without a legal basis. The complainant pointed out that the

Respondent in a written information addressed to him on May 3, 2019 on the

FM-GwG and both the branch manager of the respondent and the

Respondent itself the personal data of the complainant

had improperly collected and used. The complainant also complained that

Violation of Art. 9 GDPR.

2. With completion (GZ: DSB-D124.720/0003-DSB-2019) of June 28, 2019, the

Data Protection Authority invites the Respondent to comment.

3. By letter dated July 26, 2019 (received July 31, 2019)

shared the

Respondent with that the currency change from EUR to TRY or the order□

a foreign currency, which requires the collection of identity data, so that the necessary□

Cash deposit can be assigned as a credit on the customer collective account.□

In addition, the Respondent, due to the 4th EU Money Laundering Directive□

(RL 2015/849) FM-GwG have been legally obliged to verify the identity of the□

determine the complainant. On this basis, the Respondent□

Due diligence measures regardless of the amount paid in and out□

apply if□

also□

only □

the suspicion□

regarding money laundering□

or□

Terrorist financing arises according to § 5 Z 4 FM-GwG and in case of doubt identity documents□

according to § 6 para. 1 no. 1 FM-GwG. The complainant's refusal to□

document to□

Presenting identity verification is considered conspicuous customer behavior□

been interpreted. The bank branch manager called in had the complainant as□

recognized former customers and had the memory that it was the□

Complainant is an employee of a higher federal authority and has the□

Repeated request to present identification in order to obtain a PeP within the meaning of the FM-GwG□

(Politically exposed person) carry out an examination in accordance with Section 2 Z 6 in conjunction with Section 11 FM-GwG□

be able. A customer who wants to carry out an occasional transaction within the meaning of § 2 Z 15 FM-GwG,□

also represent an increased risk from the know-your-customer point of view, since the□

Respondent in such a case neither the customer himself nor his behavior□

known.□

Furthermore, the Respondent has the obligation pursuant to § 21 para. 1 FM-GwG,□

Copies of received documents and□

information that□

for the fulfillment of□

Customer due diligence requirements are required for a period of five years□

to keep.□

4. With completion (GZ: DSB-D124.720/0004-DSB/2019) of July 31, 2019, the□

Data protection authority the BF party hearing.□

5. With a submission of August 21, 2019, the complainant commented and stated that□

that it is incomprehensible that the Respondent in collecting the□

Identity data based on the allocation of the credit, since he received a receipt from the bank□

received the deposit of 100 euros for the currency exchange and with this receipt□

each person was able to withdraw the Turkish Lira amount,□

therefore, an identity check was not necessary.□

Furthermore, the Respondent or the head of the bank office is wrong if it□

it will be assumed that the person complaining is a□

Act officials of a higher federal authority, since he was during the time of□

customer relationship with the Respondent was a customs officer. Also with his□

current position is the designation "legal employee". out of it□

it follows that Section 2 no. 6 in conjunction with Section 11 FM-GwG is not applicable to the complainant.□

The Respondent had argued legally incorrectly with regard to the FM-GwG.□

In doing so, the complainant leads the circular of the Financial Market Authority dated□

18.12.2018 regarding the "due diligence to prevent money laundering and□

Terrorism Financing" and the guidelines of the H***-Bank, according to which 100 euros are not under□

the FM-GWG falls because the value limit of EUR 1,000.00 or EUR 15,000 is not exceeded□

had been. It follows that the Respondent without any legal basis□

requested the complainant's identity data.□

6. With completion (GZ: DSB-D124.720/0006-DSB/2019) of November 15, 2019, the□

Data protection authority again asked the respondent to comment.□

7. The Respondent replied by electronic and postal letter dated□

4 December 2019 (ha. received 9 December 2019) a statement in which they□

stated that there are overlaps in the removal of ordered foreign currencies□

can come to the customer collective account. To prevent the□

foreign currency amount would be paid out to another customer□

Identification document required.□

The complainant misjudges the legal situation, since the value limit of EUR 1,000.00□

only refer to the facts of § 5 Z 2 lit. b FM-GwG. On the other hand, § 5 Z 4 FM-□

GwG a fact that is based on subjective criteria. Therefore, the bank employees□

to assess a priori whether there is conspicuous customer behavior in this sense and□

If there are any doubts, identity documents must be requested in accordance with section 6 (1) no. 1 FM-GwG. Of the□

Bank branch manager had to decide without investigation and is not in a position□

been to check whether the complainant is actually a political□

exposed person act.□

8. With completion (GZ: DSB-D124.720/0007-DSB/2019) of December 10, 2019, the□

Data Protection Authority again invited the complainant to be heard as a party.□

9. No further submissions were made by the complainant.□

B. Subject of Complaint□

The subject of the complaint is the question of whether the Respondent informed the Complainant in□

violated his right to secrecy by an employee of the Respondent□

in the course of a currency exchange of 100 euros□

in TRY the driving license of□

Complainant copied and the Respondent retained the copy and□

saved.□

C. Findings of Facts□

The respondent is the FN: *3*80*1a at the regional court□

O*** recorded N*** Bank AG, which as a credit institution operates domestically via branches□

(branches) provides. The branch N*** Bank E***Stadt as well as the bank manager of this branch□

are attributed to the Respondent.□

Evidence assessment: The findings are based on the information on the website of the□

Respondent□

(www.n***bank.at/de/privatkunden/Standorte/filiale-e***stadt.html),□

viewed on May 20, 2020) and a search of the company register by the□

Data Protection Authority.□

On April 23, 2019, the complainant entered the bank branch N*** Bank E***Stadt der□

Respondent for the cash amount of 100 euros in Turkish Lira (TRY)□

to let change. The complainant was then asked to show a photo ID□

to be submitted for currency exchange. The applicant refused. Then became□

the branch manager consulted, who identified the complainant as a former customer□

recognized and remembered that it was a servant of a higher□

federal agency acted. The bank manager then repeated the request□

to present a photo ID (passport) for identification, otherwise termination of the□

currency exchange process. The complainant then presented his driver's license,□

which was copied. The copy has been retained and stored. The Complainant□

received a receipt for the deposit.□

Evidence assessment: The findings result from the insofar undisputed arguments□

of the parties in their submissions to the data protection authority and in particular from the□

mentioned submission of the complainant April 29, 2019, improved by submission of□

June 11, 2019.□

D. In legal terms it follows that:□

Regarding point 1:□

D1. Introductory:□

Although the complainant the bank office manager and the respondent as□

leads responsible,□

is□

to state that this as an employee of□

Respondent to be attributed to Respondent and not as an independent entity□

responsible for data protection according to Art. 4 Z 7 DSGVO, since□

this not about the purpose and not (sufficiently) about the means of the objectively relevant□

data processing, since he was doing so in compliance with the specifications of his□

employer acted.□

First of all, it should also be noted that in the present case a violation of the law□

is to be checked for secrecy according to § 1 para. 1 DSG and restrictions of this□

Claim from Paragraph 2 leg. cit., but not from Art. 6 Paragraph 1 or Art. 9 Paragraph 2 GDPR□

result. However, the GDPR and in particular the principles enshrined therein are□

to be taken into account in any case when interpreting the right to secrecy (cf. the decision□

the DSB of October 31, 2018, GZ DSB-D123.076/0003-DSB/2018).□

According to § 1 Para. 1 DSG everyone has, in particular with regard to the respect of his□

Private and family life, right to secrecy of□

concerning him□

personal data, insofar as there is a legitimate interest in it. Below is□

the protection of the data subject against the determination of his data and the protection against the□

to understand the transmission of the data determined about him. Purely conceptually, this process□

processing of personal data by the person responsible.□

Any processing is carried out with or without the aid of automated procedures□

process or

understood each such series of processes that

in connection with

personal data such as collecting, recording, organizing, sorting, the

Storage, adaptation or modification, reading out, querying, the

use, disclosure by transmission, dissemination or any other form of

Providing, matching or linking, restricting, deleting or

Destruction stands (cf. Art. 4 Z 2 GDPR).

When collecting and copying the complainant's driver's license, as well as the

It is undisputed that the retention and storage of the copy is processing

personal data.

Contrary to the complainant's original allegations, the

However, the data concerned does not include any special categories of personal data in the

Within the meaning of Art. 9 Para. 1 GDPR (cf. from the established case law of

Data protection authority last notice of January 21, 2020, GZ 2020-0.013.649).

D2. To restrict the right to secrecy:

According to Section 1 (2) DSG, restrictions on the right to secrecy are only permissible

if the use of personal data is in the vital interest of the

Affected or with his consent, in the case of overriding legitimate interests

another or in the presence of a qualified legal basis.

In the present case, there are no vital interests of the complainant

recognizable, and there was also no consent to data processing. It must therefore be checked

First of all, whether a legal basis as a permit is possible or available.

On the legal basis:

In the present case, the Respondent submitted that, in accordance with the requirements

of the FM-GwG is legally obliged to establish the identity of the complainant and

the copies for a period of five years after the end of the business relationship with the

Retain customers or after the time of an occasional transaction.

Applicable legal provisions of the FM-GwG:

§ 2 Z 1, Z 6 and Z 15 FM-GwG, Federal Law Gazette I No. 118/2016 as amended reads as follows including the heading:

definitions

§ 2. For the purposes of this federal law, the term means:

1. Credit institution: a credit institution pursuant to Section 1 (1) BWG and a CRR credit institution pursuant to

§ 9 BWG, which performs domestic activities via a branch.

[...]

6. Politically Exposed Person: a natural person holding important public office

or has exercised; these include in particular:

a) Heads of State, Heads of Government, Ministers, Deputy Ministers and Secretaries of State; in the

Domestically, this applies in particular to the Federal President, the Federal Chancellor and the

members of the federal and state governments;

b) Members of Parliament or members of comparable legislative bodies; domestic

does this apply in particular to the members of the National Council and the Federal Council;

c) members of the governing bodies of political parties; in Germany, this applies in particular

members of the governing bodies of political parties represented in the National Council;

d) Members of supreme courts, constitutional courts or other high

courts whose decisions, barring exceptional circumstances,

no further appeal can be lodged; in Germany, this applies in particular to judges

of

of

administrative court;

Constitutional Court

court of justice

supreme□

and□

of□

e) members of audit offices or of the governing bodies of central banks; domestic□

This applies in particular to the President of the Federal Audit Office and the□

Directors of the state audit offices and members of the board of directors□

Austrian National Bank;□

f) ambassadors, chargé d'affaires and high-ranking officers of the armed forces; are domestic□

high-ranking officers of the armed forces, especially military personnel from the rank□

lieutenant general;□

g) members of the administrative, management or supervisory bodies of state-owned enterprises;□

in Germany, this applies in particular to companies where the federal government has at least□

50% of the share capital, basic capital or equity or which the federal government operates alone□

or the federal government through financial or other economic or organizational□

measures actually mastered; for companies involving a country with at least□

50% of the share capital, basic capital or equity is involved or which a country operates alone□

or affecting a country by financial or other economic or organizational□

Measures actually mastered - provided that the annual total turnover of such□

company exceeds 1,000,000 euros - the board of directors or the management. Of the□

annual total turnover is determined according to the annual turnover from the□

last approved annual financial statements.□

h) directors, alternate directors and members of the governing body or a□

comparable function at an international organization.□

None of the public functions mentioned under lit. a to h include officials□

middle or lower rank.□

[...]□

15. Customer: any person who has established a business relationship with the obliged entity
or intends to establish, as well as any person for whom the obligated party conducts a transaction
carries out or is to carry out, which does not fall within the framework of a business relationship
(occasional transaction).

Section 5 FM-GwG, Federal Law Gazette I No. 118/2016 as amended reads as follows, including the heading:

Application of due diligence

§ 5. The obligated parties have a duty of care towards customers in the following cases
apply according to § 6:

1. when establishing a business relationship;

Savings deposit transactions in accordance with Section 31 (1) BWG and transactions in accordance with Section 12 of the De
always count as a business relationship;

2. when carrying out all activities that do not fall within the scope of a business relationship
transactions (occasional transactions),

a) the amount of which is at least 15,000 euros or the equivalent in euros, namely
regardless of whether the transaction is in a single operation or in several

Transactions between which there is an obvious connection are made,
or

b) which are money transfers within the meaning of Art. 3 Z 9 of the Regulation (EU)
2015/847 is more than 1 000 euros;

if the amount in the cases of lit. a is not known before the start of the transaction, the
apply due diligence as soon as the amount is known and determined,
that it is at least 15,000 euros or the equivalent in euros;

3. upon each deposit on savings deposits and upon each withdrawal of savings deposits, if
the amount to be deposited or withdrawn is at least 15,000 euros or the equivalent in euros;

4. if there is a suspicion or reasonable grounds to believe that the customer
belongs to a terrorist organization (§ 278b StGB) or that the customer objectively

Transactions involved in money laundering (§ 165 StGB - including

Assets that result from a criminal act committed by the perpetrator himself)

or serve to finance terrorism (§ 278d StGB);

5. if there is any doubt as to the authenticity or adequacy of previously received

Customer Identification Data.

Section 6 (1) and (2) FM-GwG, Federal Law Gazette I No. 118/2016 as amended reads as follows, including the heading:

§ 6. (1) The duties of care towards customers include:

Scope of Due Diligence

1. Determining the identity of the customer and verifying the identity on the basis of

Documents, data or information from a credible and independent

source, including electronic means of identification and

relevant trust services according to Regulation (EU) No. 910/2014 and others

secure methods of identification remotely or electronically

subject to paragraph 4;

2. Verification of the identity of the beneficial owner and seizure of appropriate

Measures to verify his identity so that the obliged entity is convinced of it

are to know who the beneficial owner is; in the case of legal persons,

This includes trusts, companies, foundations and similar legal arrangements,

that appropriate measures are taken to improve the ownership and control structure

to understand the customer. If the identified beneficial owner is a relative

is the top management level pursuant to Section 2 no. 1 lit. b BORA, the obligated parties have the

necessary to take reasonable measures to ensure the identity of the natural

to review and have persons who belong to the top management level

Records of the actions taken and any during the

difficulties encountered during the verification process. A reasonable

Measure is the inspection of the register of beneficial owners as required

of Article 11 BORA;□

3. Evaluation and collection of information about the purpose and intended type of□

business relationship;□

4. Collection and verification of information about the origin of the funds used;□

such information may include, but is not limited to, professional or business activity,□

Income or the business result or the general financial situation of the□

Customers and its beneficial owners include;□

5. Establishing and Verifying the Identity of Trustor and Trustee pursuant to□

paragraph 3;□

6. Ongoing monitoring of the business relationship, including review□

the transactions carried out in the course of the business relationship in order to ensure□

that this with the knowledge of the obligated about the customer, his□

Business activity and its risk profile, including where necessary the origin of the□

means, to match;□

7. regular review□

this□

Information, data and documents required by federal law and updates□

of this information, data and documents.□

of presence□

all□

because of□

The identity of any person who claims to be acting on behalf of the client□

(natural person authorized to represent) is to be determined and checked in accordance with Z 1. the□

Authorization to represent must be checked in a suitable manner. The customer has□

Changes to the power of representation during an ongoing business relationship on your own initiative□

to be announced immediately.□

(2) The verification of identity pursuant to para. 1 no. 1 has to be

1. a natural person by personally presenting an official photo ID

to take place. Official photo identification in this sense is from a state

Authority-issued documents with a non-interchangeable recognizable

Headshot of the person concerned, and the name, date of birth and

contain the signature of the person and the issuing authority; at

Travel documents from strangers must have the signature and full date of birth

then not be included in the travel document if this is the right of the issuing

State corresponds. From the criteria of the official photo identification individual

Criteria do not apply if other equivalent ones are due to technical progress

Criteria are introduced, such as biometric data, which are omitted

criteria are at least equivalent in terms of their legitimization effect. The criterion of

However, it must always be issued by a state authority;

2. a legal entity based on probative documents, which according to

are available according to the legal standard customary in the country where the legal entity is based.

In any case, the upright existence, the name, the legal form, the

Power of representation and the seat of the legal entity.

Section 11 (1) FM-GwG, Federal Law Gazette I No. 118/2016 as amended reads as follows, including the title:

Transactions and business relationships with politically exposed persons

§ 11. (1) In addition to the duties of care specified in § 6, the obligated parties have

towards customers

1. adequate risk management systems, including risk-based procedures,

to be able to determine whether it is the customer, the economic

Owner of the customer or the customer's trustor to a politically exposed

person acts and these procedures before the establishment of the business relationship as well as in

reasonable

at regular intervals during an ongoing business relationship□

apply.□

2. in the case of business relationships with politically exposed persons□

a) Obtain senior management approval before entering into any business relationship□

record or continue to these persons,□

b) take reasonable steps to verify the origin of the assets and the□

Funds raised as part of business relationships or transactions with them□

Persons are used to determine and□

c) the business relationship to increased continuous monitoring□

undergo.□

If the beneficial owners of the customer according to § 2 Z 1 lit. b sublit. cc WIEReG□

were determined, Z 2 is not applicable in the case of domestic politically exposed persons□

to be used if there are no risk factors that indicate an increased risk.□

In general, it can be said that the FM-GwG aims to prevent money laundering and□

to prevent the financing of terrorism and therefore, among other things, certain credit institutions□

duties of care imposed.□

However, not every transaction constitutes a transaction in favor of the above□

frowned upon purposes.□

As stated, the Respondent is N*** Bank AG and□

as a credit institution within the meaning of Section 2 no. 1 FM-GwG, this is subject to the provisions of the FM-GwG.□

The Respondent's legal duty of care results from § 6 Para. 1 Z 1 FM-□

GwG and includes the "determination of the identity of the customer and verification of the identity□

based on documents, data or information obtained from a credible and□

independent source".□

Pursuant to Article 6 Paragraph 2 Z 1 leg. cit. at a natural person□

by personally presenting an official photo ID.□

The applicant was both a former and a

new customers who make an occasional transaction within the meaning of § 2 Z 15 leg. cit.

wanted to perform.

§ 5 Z 2 FM-GwG standardizes that in occasional transactions the due diligence of the

§ 6 FM-GwG are to be applied under the following conditions:

a) the amount of which is at least 15,000 euros or the equivalent in euros, namely

regardless of whether the transaction is in a single operation or in several

Operations between which there is an obvious connection, is carried out, or

b) which are money transfers within the meaning of Art. 3 Z 9 of Regulation (EU) 2015/847

is more than 1 000 euros;

The complainant's change of money in the equivalent of 100 euros was

by an amount below the value limit of § 5 Z 2 FM-GwG, so the

Due diligence obligations of Section 5 no. 2 FM-GwG do not apply to the complainant.

According to § 5 Z 4 FM-GwG, the obligated party already has suspicion of money laundering

or terrorist financing apply the due diligence measures. The argument of

Respondent that a priori or through the refusal of the complainant, a

Present photo ID suspected of money laundering or terrorist financing

would have arisen is not followed:

From the established facts and from the submissions of the parties to the proceedings

there are no indications that the complainant has behaved conspicuously,

that would justify an identity check pursuant to Section 5 no. 4 FM-GwG. the bare

Questions or the refusal to present an identity card cannot be made without further ado

Evidence leads to a legitimate reason to believe that a

Affected person belongs to a terrorist organization within the meaning of Section 278b of the Criminal Code or that a

Affected party objectively participates in transactions that constitute money laundering under Section 165 of the Criminal Code -

including assets that result from a criminal act by

come from the perpetrator himself - or serve to finance terrorism according to § 278d StGB.□

The Respondent also stated that an identity check according to § 6□

FM-GwG was justified because it had to be checked whether the complainant□

possibly a PeP (Politically Exposed Person) (§ 2 Z 6 in conjunction with § 11 FM-GwG). As□

found out was the bank manager□

previous business relationships with□

Complainant admits that this is an employee of a "higher□

federal authority". However, an employee of a "higher federal authority" is not□

equivalent to the PeP property of § 2 Z 6 FM-GwG, where for example□

heads of state, members of parliament or judges of the Constitutional Court□

will.□

Here it becomes clear that the complainant, even with only rudimentary knowledge of□

the complainant's position does not meet any of the facts listed there.□

Incidentally, with regard to the examination of whether the complainant is a PeP, it would be more lenient□

Means in the sense of § 1 paragraph 2 last sentence DSG an inquiry came into consideration.□

The Respondent's determination of the Complainant's identity was□

View of the data protection authority therefore not covered by § 1 para. 2 DSG and thus□

unlawful.□

For consent:□

Art. 4 Z 11 GDPR defines consent as "every voluntary for the specific case, in□

informed manner and unequivocally given expression of will in the form of a□

Statement or other clear confirmatory action with which the data subject□

person indicates that they are concerned with the processing□

consent to personal data".□

In accordance with Art. 7 Para. 4 GDPR and taking into account Art. 4 Z 11 and EG 43□

GDPR, consent must be given voluntarily and may not be linked to the fulfillment of a□

contract, although this consent to the performance of this contract is not

is required. Consent is involuntary if the failure to give consent

a disadvantage is to be expected (cf. the decision of the data protection authority of April 16th

2019, GZ DSB-D213.679/0003-DSB/2018).

In the present case, the question arises as to whether the complainant consented to the

processing of his personal data (driver's license) or whether this is valid

has come about and meets the requirements set out in the GDPR.

As can be seen from the findings, the complainant makes in his submissions

clear that he has not voluntarily consented to the processing of his driving license since

otherwise the desired change of money would not have been carried out and he would not have submitted it

could have expected a disadvantage from his driving licence.

Consent to the processing of the complainant's personal data was

also not required for currency exchange into Turkish Lira (TRY) as the

Complainant a receipt for the deposit of 100 euros for the currency exchange

received and the transfer was therefore attributable to the receipt. The processing

driving license was not necessary.

The data processing in question therefore proves to be unlawful

D3. result

The data protection authority therefore comes to the conclusion that based on the examination of the

Prerequisites of the FM-GwG the application of due diligence to the subject

transaction were not applicable. Therefore, the processing of the

driver's license without the existence of a qualified legal basis.

It

there was also no approval or other permissible limitation of the

secrecy claim iSd. § 1 para. 2 DSG, which is why a violation of the right to

secrecy exists.

It was therefore to be decided accordingly.□

Regarding point 2:□

Since the requirements for the processing of the data at issue are not met□

were present, they were processed unlawfully from the outset, which is why, pursuant to Art. 17□

Para. 1 lit. d GDPR are to be deleted.□

The data protection authority therefore makes use of its authority pursuant to Art. 58 (2) ex officio□

lit. g DSGVO use (for the admissibility of an official order see the cognition□

of the Federal Administrative Court of June 4, 2019, GZ W214 2213623-1).□