

One year GDPR - significantly more attention to data protection

Thiel draws a positive balance

The State Commissioner for Data Protection Lower Saxony (LfD), Barbara Thiel, draws a predominantly positive balance after one year of the General Data Protection Regulation (GDPR): "Thanks to the GDPR, data protection is no longer a marginal issue that is only dealt with by experts. The right to informational self-determination has become the focus of social debates and is thus given the space it deserves." Citizens are now more aware of their rights and also exercise them, for example the right to information, correction or deletion. This increased sensitivity is partly responsible for the fact that more data protection complaints are now being received by the LfD. From the date the GDPR came into effect until April 30, 2019, there were more than 1,700.

The DS-GVO became applicable law in the European Union on May 25, 2018 and triggered strong criticism in some cases. "The panic reactions have proven to be completely exaggerated," says Thiel. "Neither were companies driven to ruin with fines running into the millions, nor did the often-talked about warning wave occur." Nevertheless, according to the state commissioner, the ordinance has brought additional burdens - both for the data processing offices and for the supervisory authorities. The biggest expense driver for the LfD in the first few months of the GDPR was the enormous increase in the need for advice. In 2018 alone, Thiel's authority carried out around 8,300 consultations, which were particularly in demand from small companies, associations and medical practices.

In percentage terms, the reported data protection breaches increased the most. Around 560 reports were received between May 25, 2018 and April 30, 2019. For comparison: In the whole of 2017 there were only 20. The state representative sees the reasons for this in the significantly tightened reporting obligations resulting from the GDPR and the associated uncertainty in the economy.

Thiel also finds thoughtful tones on the anniversary: "Of course, with such a large body of legislation, we also have to take a close look at what works in practice and what doesn't. For example, I ask myself which of the many requirements placed on consent can possibly be dispensed with. The information obligations could also be defined with a view to the different processing situations - e.g. B. Telephone call, event, business card – reconsider." In May 2020 there will be the EU Commission's first evaluation report on the GDPR, to which the German supervisory authorities will also contribute.

According to Thiel, however, the critical examination of the GDPR should not lead to a fundamental weakening of the high

level of data protection in Germany and Europe. "For example, I am very concerned about the Federal Council initiative launched by Lower Saxony to relax the obligation to appoint data protection officers. These officers in companies and associations ensure competent data protection advice for those responsible and thus help to avoid violations from the outset. Getting rid of them increases the risk of data breaches and thus fines."

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