

Press release of the conference of the independent data protection supervisory authorities of the federal and state governments of February 25, 2021

Register Modernization Act jeopardizes the right to informational self-determination

No.20210225

|

02/25/2021

|

DSMV

|

datenschutz-mv.de

The conference of the independent data protection supervisory authorities of the federal and state governments (data protection conference) urgently warns against the passage of the register modernization law in the current version. The law provides for the use of the tax identification number (tax ID) as a central classification feature in public administration in order to facilitate data exchange between authorities. After the Bundestag had already adopted the law at the end of January, the final consultation in the Bundesrat is now planned.

In its resolutions of September 12, 2019^[1] and August 26, 2020^[2], the data protection conference had already voiced considerable constitutional criticism of this project and pointed out the associated risks. The creation of such a uniform and cross-administrative personal identifier - also in connection with a corresponding infrastructure for data exchange - poses the risk of abusive linking of personal data and the creation of comprehensive personality profiles.

The Federal Constitutional Court has imposed narrow limits on the introduction of such personal identifiers, which are disregarded here. A look at the scope of application of the planned regulation shows the potential for possible misuse. The tax ID is to be included as an additional classification feature in over 50 registers. In this way, for example, data from the population register could be compared with data from the register of insured persons of the health insurance companies and the register for supplementary help with subsistence and combined into a personality profile.

The technical and organizational safeguards provided for in the draft law are not sufficient to effectively prevent such profiling.

Although these ensure that only authorized authorities transmit the necessary data in end-to-end encrypted form, they do not

offer sufficient protection against abusive merging of data on a person from different registers. In addition, the law dispenses with these safeguards for a not inconsiderable part of the transmissions. In addition, the security and transparency measures of the draft law should also extend to the tax area, in which the new general personal identifier will also be used from now on. The extensive use of the tax ID as a uniform personal identifier also contradicts its original function for purely tax-related matters. Only because of this purpose could it be regarded as constitutional.

In contrast, the data protection conference had called for "sector-specific" personal identification numbers that are data protection-compliant and at the same time practical because, on the one hand, they make a unilateral state comparison significantly more difficult and, on the other hand, they clearly identify a natural person. This model has been successfully practiced in Austria for many years and could also be introduced in Germany with reasonable effort, as was explained by several experts in the hearing of the Bundestag on December 14, 2020.

Especially in times of far-reaching digitization of state processing, it is important to set them up on structures that ensure that the right to informational self-determination is reliably guaranteed even if the framework conditions change.

The data protection conference once again appeals to the legislator to refrain from the planned redesign of the tax ID as a cross-register personal identifier.

Further information on the DSK:

www.datenschutzkonferenz-online.de

Contact:

Independent Data Protection Center Saarland Fritz-Dobisch-Strasse 12 66111 Saarbrücken Email:

medien@datenschutz.saarland.de

[1] https://www.datenschutzkonferenz-online.de/media/en/20190912_entschluss_zur_digitalisierung_der_verwaltung.pdf

[2] https://www.datenschutzkonferenz-online.de/media/en/20200828_entschlie%C3%9Fung_pkz_final_1.pdf

[Back to overview](#)