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Press release from the Saxon data protection officer – photo

taken at school intake events

On the occasion of the entry into force of the General Data Protection Regulation and the

The legal situation that has arisen has reached my office in the past

Weeks various inquiries about the admissibility of the creation of student photos.

Due to a misjudgment that is often heard, I watch myself

prompted with a clarifying note: Photographs are of students

Although suitable, personal data within the meaning of the basic data protection

to represent regulation. The scope of the General Data Protection

regulation is, however, not open precisely in the frequent case that na-

natural people, mostly relatives of the students, take photographs alone

personal or family purposes. The processing of personal

personal data in the exercise of exclusively personal or family

Activities is classified as a process according to Art. 2 Paragraph 2c) data protection

basic regulation is not covered by the regulation.

The scope of the General Data Protection Regulation, on the other hand, is

opened when the school itself or commercial photographers (on

approval basis) Create and use images of the students. In

In these cases, those responsible regularly also have the information

tion obligations according to the General Data Protection Regulation towards the

affected students or persons with custody.

For the admissibility of the distribution and publication of personal

ner illustrations, the provisions of federal law continue to apply

Scriptures of the Art Copyright Act.

Andrew Schurig

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