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DSK positions itself on personal identifiers and responsibility in the telematics infrastructure

The conference of data protection officers of the federal and state governments (DSK) rejects the use of uniform, cross-administrative personal identifiers for the direct identification of citizens, which the federal government is considering. In the case of the connectors used to connect medical practices to the telematics infrastructure of the healthcare system (TI), the DSK sees a shared responsibility under data protection law for medical practices and the Society for Telematics Applications (gematik).

The most important topic of the DSK interim conference on September 12, 2019 in Mainz was the modernization of the register landscape in Germany planned by the federal government and the introduction of cross-administrative personal identifiers or identifiers discussed in this context.

In its relevant resolution, the DSK points out that the creation of an infrastructure with cross-administrative, unique personal identifiers would trigger considerable data protection risks and constitutional concerns. She recalls that the Federal Constitutional Court has imposed very narrow limits on the introduction and processing of such personal identifiers for decades.

The deputy BfDI, Jürgen H. Müller, explained: We are fundamentally open to register modernization. It is certainly a gain if citizens can use administrative services more easily by using data that has been stored. However, this advantage and the expected increases in efficiency for public administration must necessarily go hand in hand with a high level of data protection. Another topic of the conference was the distribution of data protection responsibilities in the TI. It has been unclear for a long time whether the so-called connectors, which act as an interface and connection point between the practice systems in e.g. medical practices and the TI, fall under the responsibility of the practice operator or gematik.

Since it is the legal task of gematik to ensure the operational and secure operation of the TI and in this context it determines the means for data processing in the TI, the DSK came to the conclusion that, in addition to the operators of the medical practices, gematik has a data protection responsibility for the connectors. In order to regulate this division of responsibility in a legally secure manner in the future, the DSK recommends that the legislator create a clear legal regulation.

contact finder

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#### public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

#### company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

#### Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.