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P r e s s e release

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Berlin data protection officer imposes fine on real estate company

On October 30, 2019, the Berlin Commissioner for Data Protection and Freedom of Information

Deutsche Wohnen SE received a fine of around 14.5 million euros

violations of the General Data Protection Regulation (GDPR).

During on-site inspections in June 2017 and March 2019, the supervisory authority found that

the company for storing personal data of tenants

used an archive system that did not provide for the possibility of storing data that was no longer required

removed. Personal data of tenants was stored without

check whether storage is permitted or required at all. In peer-reviewed

In individual cases, private information from the tenants concerned could sometimes be years old

Tenants can be inspected without changing the purpose of their original collection

served. It was about data on the personal and financial circumstances of the

Tenants such as B. Salary slips, self-disclosure forms, excerpts

from employment and training contracts, tax, social and health insurance data as well as

bank statements.

After the Berlin data protection officer in the first test date 2017 the urgent

recommended that the archiving system be changed, the company was able to do so

in March 2019, more than a year and a half after the first review date and nine months later

From the date of application of the General Data Protection Regulation neither a cleansing of their

data stock still have legal reasons for the continued storage. Although had

the company made preparations to remedy the grievances found.

However, these measures did not lead to the establishment of a lawful state of affairs

storage of personal data. The imposition of a fine for a

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Violation of Article 25 Paragraph 1 DS-GVO and Article 5 DS-GVO for the period between May 2018 and March 2019 was therefore mandatory.

The General Data Protection Regulation obliges supervisory authorities to ensure that

Fines in each individual case are not only effective and proportionate, but also

are daunting. The starting point for the assessment of fines is therefore u. a. the

worldwide sales of affected companies. Due to the in the annual report

Deutsche Wohnen SE reported annual sales of over one billion for 2018

euros was the statutory framework for calculating fines for the determined

Data breach at around 28 million euros.

For the specific determination of the amount of the fine, the Berlin data protection officer has

Considering all incriminating and exculpatory aspects, the legal criteria are used.

The fact that Deutsche Wohnen SE objected to this had a particularly negative effect

consciously created the archive structure and stored the affected data over a long period of time

improperly processed. To mitigate the fine, however, it was taken into account that

the company certainly first measures with the aim of cleaning up the illegal

state and formally cooperated well with the supervisory authority. Also with

Look to ensure that the company does not abusive access to the inadmissible

stored data could be proven, the result was a fine in the middle

Appropriate within the specified range of fines.

In addition to sanctioning this structural violation, the Berlin

Data protection officers against the company still further fines between 6,000 -

17,000 euros for the inadmissible storage of personal data of tenants

and tenants in 15 specific individual cases.

The fine decision is not yet final. Deutsche Wohnen SE can against

appeal the fine notice.

Maja Smolczyk:

“We encounter data cemeteries like the ones we found at Deutsche Wohnen SE

unfortunately often in supervisory practice. Unfortunately, the explosiveness of such grievances is always the first to become clear to us

then clearly shown if it can be misused, for example by cyber attacks

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accesses to the massively hoarded data. But also without such

serious consequences we have here with a blatant violation of the

Principles of data protection do that protect the data subjects precisely from such risks

should protect. It is gratifying that the legislator with the data protection

basic regulation has introduced the possibility of sanctioning such structural deficiencies,

before the data meltdown occurs. I recommend all data processing bodies to use their

to check data archiving for compatibility with the GDPR.”