

GDPR: Vattenfall has to pay 900,000 euros after Bonushopper selection

For months, the energy company evaluated potential customers without adequate information as to whether they often change their electricity or gas contract.

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Between August 2018 and December 2019, Vattenfall routinely checked possible new customers to see whether they were displaying "change behavior" and were apparently mainly targeting bonus amounts that had been paid. The energy company speaks of a "data comparison of customer data to prevent abusive use of bonus-relevant contracts". The Hamburg data protection authority imposed "a six-figure fine" on account of the lack of information on the affected customers about this approach.

Matched with data on old customers

According to research by NDR and "Süddeutsche Zeitung", the energy company compared the personal data of interested parties who had made a request for a special contract with the contracts of the old customers. If it was noticed that an

applicant had already worked for Vattenfall, had then switched to another supplier and now wanted to get a contract again, the electricity and gas supplier was able to determine this and possibly reject the request to switch. The group wanted to prevent "bonus hopping", which is usually not lucrative for energy companies.

However, Vattenfall did not sufficiently inform potential customers about the comparison carried out in the background and, according to the data protection authority, violated the transparency requirements of the General Data Protection Regulation (GDPR). According to the reports, the fine imposed for this is over 900,000 euros. The illegal action potentially affected around 500,000 German citizens. The group has a total of around 2.8 million customers in Germany.

Vattenfall has accepted the sanction. The supervisory body pointed out "a failure to provide sufficient information to new customers," writes the company. In coordination with the data protection authority, the necessary information is currently being "optimized" so that the required transparency according to the GDPR "is guaranteed as best as possible in the future".

Comparison "principally lawful"

Consumers should then be asked in advance whether their data may be used for the comparison. If they refuse their consent, there would be no bonus for them. This could then in turn collide with the GDPR prohibition on coupling, according to which any consent must be given voluntarily and not be linked to additional services such as bonus payments.

The group emphasizes that the data processing and the comparison were in principle lawful. This has "now finally been confirmed" by the supervisory authority. With this "binding clarification" for Vattenfall "an important goal has been achieved".

A year ago, Schufa and the credit agency Crif Bürgel announced plans to merge data from electricity and gas customers across the industry. The main aim should also be to identify bonus hoppers. At the time, consumer and data protection advocates warned that such pools would mean that consumers would no longer be able to choose their providers freely and would become "fair game for the entire industry". The data brokers, which are geared towards credit checks by scoring, initially largely put their projects on hold after the criticism.

Comprehensive cooperation Vattenfall

The incumbent Hamburg data protection officer, Ulrich Kühn, has now confirmed that the fine is EUR 901,388. It had to be taken into account that Vattenfall cooperated extensively and stopped the "non-transparent data comparison immediately after the first action" by the authority. The penalty does not affect the "further question of whether such a comparison is permissible at all". This is not expressly regulated in the GDPR. A consent procedure has therefore been agreed with the group that takes

into account the interests of all those involved.

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(124)

To home page

Table of Contents

GDPR: Vattenfall has to pay 900,000 euros after Bonushopper selection

Matched with data on old customers

Comparison "principally lawful"

Comprehensive cooperation Vattenfall

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GDPR

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