

The Bavarian State Commissioner for Data Protection

Directorate General of the Bavarian State Archives

Deletion or archiving?

The Bavarian State Commissioner for Data Protection and the Directorate General of the

Bavarian state archives publish joint working paper

Munich, January 10, 2023

Every administrative process at a Bavarian public body is at some point

closed. Then it's about archiving - usually in a state or local authority

Archive – to decide. For archiving, data protection regulations are also

gene of importance. In this way, people who use their data in the administrative process

appear, have a right to erasure, i.e. to be “forgotten”. sometimes

such a right even applies if the process is not yet to be archived.

If personal data is involved, coordination between archive and data

data protection law required.

A working paper, the Bayerische

State Commissioner for Data Protection as data protection supervisory authority for the Bavarian

schen public sector and the General Directorate of the Bavarian State Archives

central state authority for all issues relating to archiving

have. The paper explains the relationship between data protection erasure and

archival obligation to offer. It characterizes archiving as a deletion surrogate

gat and goes - taking into account their own perspective of data protection and

chivrecht – on the question of the retention period. Further comes with the premature

Deletion of personal data in individual cases is a special problem of relationship

ses of data protection and archive law. Finally, the data protection

Legal information requirements for the archiving of documents are explained. The challenges

The requirements of a digitizing administration are consistently taken into account.

State representative Prof. Dr. Thomas Petri and Director General Dr. Bernhard Grau: "We are pleased to present a joint working paper to the Bavarian public authorities to be able to, which has grown out of the advisory practice of our two authorities. Simultaneously we hope that the considerations developed in it will be used in the day-to-day administration of the Bavarian solutions that can be implemented by public bodies as well as state and municipal archives and can provide the necessary assistance in case of doubt."

The new working paper is available free of charge on the Internet under the following links:

<https://www.datenschutz-bayern.de/datenschutzreform2018> und

<https://www.gda.bayern.de/fachinformationen/behoerdenberatung>.

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