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Press Release

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Berlin Commissioner for Data Protection publishes the results of a brief review of video conferencing services for controllers in Berlin

After reviewing the video conferencing services of various providers, the Berlin Commissioner for Data Protection and the Freedom of Information has now published the results on her institution's website.

In light of the current developments during the ongoing corona pandemic, a growing number of companies, public authorities, associations and freelancers based in Berlin are contacting the supervisory authority with regard to the use of video conferencing solutions in compliance with data protection laws. In response to this rise in enquiries, the Berlin Commissioner for Data Protection has been conducting brief examinations of various services over the past few weeks to make it easier for controllers in Berlin to check the lawfulness of using certain solutions.

The legal examinations involved the standard data processing contracts that controllers conclude with video conferencing service providers. Whenever the data processing contracts were found to be legally compliant, a cursory examination of certain technical aspects of the services was also conducted.

The supervisory authority wishes to stress that its examination of the services is not comprehensive, especially not from a technical perspective, and that it has generally not evaluated privacy policies, which merely concern data processing performed independently by the video conferencing service providers themselves. The scope of such privacy policies does not extend to any data processing performed by controllers based in Berlin when they use the service.

If there are legal flaws in the checked documents, the services may only be used if alternative

agreements have been made with the provider.

The supervisory authority has used a traffic light system to make the results of the review clearer. Providers are marked in green if the brief examinations did not reveal any flaws. With regard to the legal examination, the providers marked in yellow were found to have flaws that prevent the legally compliant use of the service but can probably be remedied without making significant adjustments to business processes and technology. As regards the technical evaluation, the services offered by the providers marked in yellow may be used under certain general conditions. Providers are marked in red if flaws were identified that prevent the legally compliant use of their services and can probably only be remedied by making significant adjustments to business processes and/or technology.

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The list will be constantly updated by the Berlin Commissioner for Data Protection and the Freedom of Information as further services are assessed as part of the supervisory and advisory activities performed by the data protection authority. If providers of video conferencing solutions offer their services to controllers in Berlin and are yet to be evaluated, they are warmly invited to submit their contractual documents and technical information to the Berlin Commissioner for Data Protection and the Freedom of Information for a brief examination.

Maja Smolczyk:

“Checking whether a service can be used in compliance with data protection laws is time-consuming and pushes many controllers to their limits. That’s why we want to offer assistance through our brief review. I’m delighted to see the first providers approaching us themselves to have their services included in our reviews. Needless to say, it would be extremely gratifying if our test results encouraged providers to rectify issues with their services. We have already experienced our first success in that respect”.

The results of the brief review can be found on the website of the Berlin Commissioner for Data Protection and the Freedom of Information: <https://www.datenschutz-berlin.de/infothek-und-service/themen-a-bis-z/corona-Pandemie.html>.