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BfDI criticizes data retention plans

The Federal Commissioner for Data Protection and Freedom of Information (BfDI) Professor Ulrich Kelber calls on the federal government to see the judgment of the European Court of Justice (ECJ) on data retention as a limit for future laws: It is incomprehensible that a year before the federal elections in the fast-track procedure upcoming laws in the field of telecommunications are planned that contradict the line of the ECJ. Rather, Germany should work during its Council Presidency to ensure that no new regulations on data retention are created at European level. This applies in particular to the currently discussed ePrivacy regulation.

The BfDI has been critical of data retention without cause for years and sees itself confirmed by the judgment of the ECJ. With this groundbreaking judgment, the general and unprovoked retention of traffic and location data, which documents who made calls to whom, when, for how long and from where, is declared incompatible with European law.

At the same time, the ECJ made it clear that data retention is still possible under certain conditions to prevent serious criminal offenses and to ensure national security. However, the respective national order to carry out the storage must be limited in time and be subject to an effective review by a court or an independent administrative authority.

The European and German legislators should orientate themselves on the judgment of the ECJ in future legislative projects.

The parties should also take the verdict into account in their election programs for the federal elections next year.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

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.