

## PRESS RELEASE

Berlin, July 19, 2022

Berlin data protection officer checks order processing contracts

web hosts

The Berlin Commissioner for Data Protection and Freedom of Information (BInBDI) controls the

Data protection model contracts, so-called order processing contracts, between

Webhosters from Berlin and their customers. Also the data protection supervisory authorities

Lower Saxony, Rhineland-Palatinate, Saxony, Saxony-Anhalt and Bavaria (LDA) participate

this coordinated audit.

Many organizations run their website or online shop through an external provider

Service provider (web host). Personal data is collected from visitors to the site

processed. As a rule, this processing takes place on behalf of the person responsible, i.e. the

site operator, instead. This means that the web host is a processor under data protection law. Around

to define a concrete framework for this activity, which is bound by instructions, must

Operators of the website and the web host conclude a specific contract

so-called order processing contract (AVV). The General Data Protection Regulation (GDPR)

describes in detail which rights, obligations and measures must be regulated in the AVV.

The data protection supervisory authorities regularly receive inquiries from those responsible

determine that the AVV offered by the web host does not meet the requirements of the GDPR

is equivalent to. The examination of the supervisory authorities confirms this impression again and again. see like this

For example, many GCUs do not provide sufficient evidence from the web host that this

implements the agreed data protection measures. This can become a big problem for the

Site operators: because they are responsible for the supervisory authorities and the

data subjects must be able to prove that they comply with data protection requirements

retain.

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and Freedom of Information (BlnBDI)

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In order to support web hosts and those responsible in concluding legally compliant GCUs, checks the Berlin data protection officer issues sample contracts from selected large web hosts Berlin. The data protection authorities carry out the examination on the basis of a specially developed Checklist for GCU. The checklist is also made available to the web hosts and is available at [datenschutz-berlin.de/checkliste-avv](http://datenschutz-berlin.de/checkliste-avv).

Volker Brozio, provisional head of the BlnBDI: "With our beginning today review of AV contracts, we respond to many inquiries from Berlin companies and others organizations. Again and again they tell us about defective standard contracts that the Web hosts are unwilling to change. For the first time there is a standard for the checklist AVV test, which can also be used in other areas. We encourage all IT Service providers to check their standard contracts independently and adapt them to the law. After all, high fines can not only be imposed on those responsible who use service providers without a proper AV contract, but also against the IT service providers even."