

# THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

## PRESS RELEASE

June 30, 2020

LfDI Baden-Württemberg imposes a fine on AOK Baden-Württemberg –

Effective data protection requires regular monitoring and adjustment

Due to a violation of the obligations to secure data processing (Art. 32

of the European General Data Protection Regulation DS-GVO) has the fine office of the

LfDI Baden-Württemberg with decision of June 25th, 2020 against the AOK Baden-

Württemberg imposed a fine of 1,240,000 euros and – in a constructive way

Cooperation with the AOK - at the same time the course for an improvement of the

technical and organizational measures to protect personal data

provided by the AOK Baden-Württemberg.

In the years 2015 to 2019, the AOK Baden-Württemberg organized

various opportunities for competitions and collected personal data

ten of the participants, including their contact details and health insurance affiliation.

The AOK also wanted the data of the lottery participants for advertising purposes

use, provided that the participants had consented to this. With the help of technical and

organizational measures, e.g. through internal guidelines and data protection training

genes, the AOK wanted to ensure that only data from such sweepstakes

be used for promotional purposes who have previously effectively consented thereto

had. However, the measures specified by the AOK did not meet the statutory

common requirements. As a result, the personal data of more

used by more than 500 lottery participants for advertising purposes without their consent

de. Insured data were not affected by this.

The AOK Baden-Württemberg immediately after the allegation became known

all sales measures to fundamentally check all processes

stood to face. In addition, the AOK founded a task force for data protection in

drove and adjusted not only the declarations of consent, but also internal pro-

Koenigstrasse 10 a 70173 Stuttgart Telephone 0711 615541-0 Fax 0711 615541-15 poststelle@lfdi.bwl.de

www.baden-wuerttemberg.datenschutz.de PGP fingerprint: E4FA 428C B315 2248 83BB F6FB 0FC3 48A6 4A32 5962

You can find information on the collection of personal data from the person concerned in accordance with Article 13 DS-GVO

on our homepage

(<https://www.baden-wuerttemberg.datenschutz.de/datenschutz/>).

- 2 -

processes and control structures. Further measures are to be closely coordinated

done with the LfDI.

Within the framework of fines according to Art. 83 Para. 4 GDPR, the

send internal reviews and adjustments to the technical and organizational

cal measures and the constructive cooperation with the LfDI in favor of the

OK. In this way, the level of protection for

personal data can be reached in sales activities of the AOK. This

improvements and additional control mechanisms, the AOK will develop

in accordance with the specifications and recommendations of the state commissioner for data

protection and freedom of information and adjust if necessary.

When assessing the fine, in addition to circumstances such as the size and

interpretation of the AOK Baden-Württemberg also takes into account in particular that they are

statutory health insurance is an important part of our health system

tems is. After all, the AOK is responsible for the statutory task of ensuring the health of the

To maintain, restore or improve insured persons. Because fines

according to the GDPR not only effective and deterrent, but also proportionate

When determining the amount of the fine, it had to be ensured that the

Fulfillment of this legal task is not endangered. Here the opposite

current challenges for the AOK as a result of the current corona pandemic

particularly taken into account.

"Data security is an ongoing task," emphasizes the state representative for data

data protection and freedom of information Dr. Stefan Brink. "Technical and organizational

cal measures must be regularly adapted to the actual circumstances in order to

to ensure an adequate level of protection in the long term." Ensuring that

data protection-compliant conditions and good cooperation between those responsible

Positions with the LfDI as the supervisory authority are regularly of great importance

attributed. "We are not aiming for particularly high fines, but rather a

good and appropriate level of data protection," Brink concludes.

If you have any questions, you can reach us on the telephone number 0711/615541-23.

Further information on data protection and freedom of information can be found on the Internet

at [www.baden-wuerttemberg.datenschutz.de](http://www.baden-wuerttemberg.datenschutz.de) or at [www.datenschutz.de](http://www.datenschutz.de).

The press release is available on the Internet at [http://www.baden-](http://www.baden-wuerttemberg.datenschutz.de)

[wuerttemberg.datenschutz.de](http://www.baden-wuerttemberg.datenschutz.de).