

Video surveillance on Marienplatz

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The State Commissioner for Data Protection and Freedom of Information, Heinz Müller, explains the video surveillance taking place on Marienplatz in Schwerin: "The video surveillance on Marienplatz is illegal because an appropriate security of the personal data of the citizens processed is not guaranteed."

In particular, the "how" of the video surveillance is illegal. The recordings of the eight cameras installed on Marienplatz are transmitted wirelessly to the Schwerin police center. "For secure transmission, the data would have to be encrypted in such a way that they cannot be read by unauthorized persons at any point along the transmission path," says Müller. "However, the required end-to-end encryption does not take place."

The state commissioner had been involved in the planning for video surveillance since the end of 2016. End-to-end encryption was planned from the outset by those responsible for video surveillance. The necessity of this measure to protect the transmitted data was never in question.

On December 17, 2018, the Ministry of the Interior and Europe informed the state commissioner about the planned provisional effective operation of video surveillance for the period from December 21, 2018 to January 7, 2019. In this context, he was informed that the planned end-to-end encryption will not take place. The state representative then issued a formal warning in accordance with Article 58 paragraph 2 letter a DS-GVO because of the violation of the General Data Protection Regulation (GDPR). The Ministry of the Interior nevertheless put the system into operation. In addition, it extended the provisional active operation until January 31, 2019.

According to the Ministry of the Interior, the video surveillance measure is primarily aimed at preventing potential perpetrators

from committing a crime. The "how" of processing personal data to prevent crime is regulated in Directive (EU) 2016/680.

Section 3 of the State Data Protection Act implemented this EU directive into national law. Thereafter, the provisions of the GDPR regulation apply accordingly, unless otherwise provided by law. Both the Directive and the Regulation require personal data to be processed in a manner that ensures appropriate security of the personal data. This includes protection against unauthorized or unlawful processing through appropriate technical and organizational measures such as data encryption.

As the responsible body, the Ministry of the Interior must prove that the provisions of data protection law are observed in the video surveillance of Schwerin's Marienplatz. "However," says Müller, "this evidence has not yet been provided."

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