Press release of the conference of the independent data protection supervisory authorities of the federal and state

governments of May 4th, 2022

Data protection conference calls for employee data protection law

No.20220504

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05/05/2022

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DSMV

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The conference of the independent data protection authorities of the federal and state governments (DSK) published its call for

an employee data protection law today. In their resolution, the data protection officers point out that the dynamically developing

digitization is leading to far-reaching changes in the world of work, which enable new possibilities for behavior and

performance controls. Therefore, from their point of view, further legal regulations, as announced in the coalition agreement at

federal level, are necessary and overdue.

The chairman of the DSK, Professor Ulrich Kelber, Federal Commissioner for Data Protection and Freedom of Information

(BfDI): "The current regulations on employee data protection are far from sufficient. The legislature must create an

independent employee data protection law."

BfDI Kelber explains the main content: "Regulations on the use of algorithmic systems – including artificial intelligence – in the

employment context are important. Employees and applicants are particularly in need of protection because of their

dependency. Statutory regulations are essential to ensure that this need for protection is taken into account and that all those

involved can benefit from the opportunities offered by the use of AI."

In its resolution, the DSK presents core areas in which legal regulations must be created. The chairman of the DSK, Professor

Ulrich Kelber, emphasizes one area in particular: "Legal regulations on data processing in the application phase are of central

importance. So far, there are no specific legal regulations. This leads to little legal certainty, for example in areas such as

employers' right to ask questions, when collecting data about applicants in social networks, from third parties or in what is

known as active sourcing."

Active sourcing is understood to mean methods with which companies identify and contact candidates for vacancies.

The text of the resolution is published on the BfDI homepage:

https://www.bfdi.bund.de/SharedDocs/Downloads/DE/DSK/DSKEntschlussungen/DSK_20220429-Besch%C3%A4ftedatensch

utz.pdf?__blob=publicationFile&v=1More information to the data protection conference:

www.datenschutzkonferenz-online.de

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