

LfD Lower Saxony examines order processing contracts from web hosts

The State Commissioner for Data Protection (LfD) Lower Saxony controls the data protection model contracts, so-called order processing contracts, between web hosts from Lower Saxony and their customers. The data protection supervisory authorities from Berlin, Rhineland-Palatinate, Saxony, Saxony-Anhalt and Bavaria (LDA) are also involved in this coordinated examination.

Many companies and organizations operate their website via an external service provider (web hoster). In doing so, personal data of visitors to the site is processed. This data processing often takes place on behalf of the person responsible, i.e. the website operator. This means that the web host is a processor. In order to define a concrete framework for this activity, which is bound by instructions, the person responsible and the processor usually have to conclude a contract for order processing (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 who determine that the AVV offered by the web host does not meet the requirements of the GDPR. The examination of the supervisory authorities confirms this impression again and again. For example, many GCUs do not provide sufficient evidence from the web host that he implements the agreed data protection measures. This can become a major problem for site operators, since they, as those responsible, have to be able to prove to the supervisory authorities and the data subjects that they comply with data protection regulations.

In order to support web hosts and those responsible in concluding legally compliant AVV, the LfD examines the model contracts of six large web hosts from Lower Saxony. The data protection authorities carry out the check on the basis of a checklist for GCUs developed for this purpose. The checklist is also made available to the web hosts and can be accessed [here](#).

"Correct contracts for order processing are an important instrument for complying with data protection regulations," says Barbara Thiel, the state commissioner for data protection in Lower Saxony. "We want to support both those responsible and processors in complying with the requirements of the GDPR and thus ensure more legal certainty." The LfD Niedersachsen has published extensive FAQs on order processing on its website.

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