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European Data Protection Board positions itself on the impact of the U.S. CLOUD acts and video surveillance

In a letter to the LIBE Committee of the European Parliament (EP), the European Data Protection Board (EDPB) makes it clear that for a lawful transfer of data processed under the U.S. CLOUD Act, a data protection-compliant international agreement is required. In addition, it adopted guidelines for the data protection-compliant use of video surveillance.

The EP had asked the EDPB for a data protection assessment of the impact of the CLOUD Act. In a first assessment, the EDPB takes the position that - without a new agreement - a lawful transfer of the data directly to the requesting security authority on the basis of the GDPR is only possible within very narrow limits.

Jürgen H. Müller, who as deputy BfDI represented Mr. Kelber in the EDPB meeting, welcomed the EDPB's position determination: The committee's determination of direction is an important signal at the right time. It emphasizes the need for judicial cooperation and provides an incentive to resolve legal conflicts through international agreements instead of shifting responsibility for data protection to the private sector. The aim must be to create a solid legal basis that adapts to our data protection regulations and does not interpret our laws as broadly as possible in order to be able to legitimize corresponding data transfers in some way.

In addition, the EDPB agreed on guidelines for video surveillance. These deal with both classic topics of video surveillance, such as the choice of location or the storage period of recordings, as well as questions on new topics such as biometric video surveillance. For example, the EDPB makes it clear that biometric data, which enable people to be permanently identified, is among the data that is particularly worthy of protection and may therefore only be processed under very strict conditions. The tracking of people by means of permanent biometric identification, for example to track the movement and purchasing behavior of a person in a department store, is therefore only permitted with the explicit consent of the person concerned.

It is gratifying that my colleagues have succeeded in establishing the high level of data protection in Germany when it comes to video surveillance at the European level, praises the deputy BfDI, Jürgen H. Müller, of the new guidelines. Thanks also go to the colleagues from Berlin and Thuringia, who were also intensively involved in drafting the guidelines.

The EDPB will publish the guidelines on video-surveillance shortly. They can then be commented on by interested parties as part of a public consultation process.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.