

GDD numbers:

- Founded in **1977** (*1. German Federal DP Act*)
- More than **2000** members (*mostly companies*)
- **27** groups for the exchange of know-how + networking
→ more than **3000** registered participants
- GDD Academy seminars and conferences
- so far more than **15.000** attendees



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Mañed, 4, 5 y 6 de noviembre 2009

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GDD

- **Non-profit organization**
- **Mission** for over 30 years:
 - **Help** members to **comply** with DP provisions
 - **Support** data protection officers (DPOs)
 - **Education and training**
 - **Guidance**
(legal, technical, organizational problems)
 - **Represent** member positions:
reasonable, effective and practicable data protection (proportionality)

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DPO as a German model ?

➤ **GDD** supported implementation of DPO as an option in Directive **95/46/EG**

➤ European Commission and Art. 29 WP **recommend** appointment of DPOs

COM(2003) 265 final – Report, p. 18 and 24; WP 106, p. 22 and 23

➤ **Other countries: DPO mostly optional**

Germany: Datenschutzbeauftragter (DSB) - **mandatory**

France: Correspondant à la protection des données (CIL)

Luxemburg: Chargé de la protection des données

Netherlands: Functionaris voor de gegevensbescherming

Sweden: Personuppgiftsombud

Slowakia: Zodpovedná osoba - **mandatory**

USA: Corporate privacy officer (CPO)

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Strengthening the DPO

- **Ammendment** of German Federal Data Protection Act (BDSG)
- More **independent role** of DPO by better **protection against dismissal** and right to obtain **adequate education** (DP law + IT)

➤ **GDD:**

- Latest data protection scandals in Germany show **insufficient involvement of DPO** in processing operations
- New BDSG Act and EU Directive should include a provision which clarifies that **prior information** of DPO and (where necessary) **prior checking** are **legally binding** requirements

Breaches should be **punishable**

- At least on a national level it is necessary to define a minimum **standard of DPO's qualifications** (GDDcert)

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Conclusions

- Both, **legislators** and **controllers** can contribute to a better data protection culture in Europe
- The role of **corporate** data protection **officials** should be **strengthened**
- Data protection culture within **businesses** can be improved by
 - **accepting** DP management as integral component of over all business strategy (e. g. corporate governance code)
 - better internal **compliance** mechanisms
 - co-operation of **DPO** and **works council** (employee data)
 - using data protection as a **competitive advantage** (certification)

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Generalizing the DPO?

➤ Art. 29 WP 106, p. 23:

„When considering the opportunity of generalising data protection officials, that is, shifting from administrative to internal supervision, appropriate attention should be made both to the experience gathered by the Member States with the application of the law and to the local legal culture.“

➤ GDD: **No matter what business title, somebody has to do the job!**

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More information about the DPO

GDD
Gesellschaft für Datenschutz
und Datensicherung e.V.

Die GDD
Mitglieder-Service
Erfar-Kreise
Arbeits-/Praxishilfen
Veranstaltungen
Seminare
Datenschutz-Links
Praxisforum Datenschutz

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21 22 23 24 25 26 27
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10 Fragen zum Datenschutz
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Bedarfsfall werden Sie automatisch zum
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schnelle Soforthilfe

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