

Press release

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Conclusion of proceedings regarding Google's privacy policy - HmbBfDI's administrative order is valid

The legal action brought by Google LLC before the Hamburg Administrative Court against the order issued by the Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) in 2014 to observe data protection in the processing of user data has now been closed by court order. This brought a satisfactory conclusion for those affected in coordinated, Europe-wide proceedings.

By reason of the rewording of Google's privacy statement in 2012, the European Article 29 Working Party, an independent advisory body whose members are the DPAs of the 28 European Member States, commissioned a task force headed by the French Data Protection Authority CNIL. Its task was to examine the lawfulness of the company's data processing and to enforce the data protection requirements in accordance with the respective national laws. In addition to the supervisory authorities of Great Britain, Italy, the Netherlands and Spain, the HmbBfDI was also involved in this task force, as Google has its German headquarters in Hamburg. The HmbBfDI regarded the creation of comprehensive user profiles by the company using the information gathered from the various services as a massive and far-reaching intervention in the interests and rights worthy of protection of the persons affected. The Article 29 Data Protection Group further came to the conclusion that, apart from insufficient transparency about the type and scope of data processing, Google could not prove a sufficient legal basis for the consolidation of the data. As a result, the HmbBfDI issued a corresponding order requiring the company to take the necessary measures to increase the protection of data privacy. This included, in particular, the requirement for the user's consent for cross-service data processing by Google.

Although Google appealed against this ruling, it has simultaneously consulted with the relevant regulatory authorities and has taken comprehensive action to create the necessary legal basis and improve transparency and control for users. It is therefore a consistent move that the legal action against the order could now be terminated in a resource-saving manner for all parties involved. The order issued by the HmbBfDI is therefore legally binding and must be observed by Google. The case against the HmbBfDI was the last one pending in the national law of the Task Force members. All other proceedings had already been concluded.

Johannes Caspar, the Hamburg Commissioner for Data Protection and Freedom of Information, comments: "In our opinion, we, together with the other supervisory authorities, sent a clear signal to Google and comparable companies with the gratifying conclusion of these Europe-wide coordinated and probably unique proceedings. Standards have been set for increasing transparency and protecting the user's right to self-determination in terms of information, and providers will no longer be able to fall behind them in the future. Those who want to earn money in Europe by processing personal data must respect the prevailing rules of the game. This statement will particularly continue to be enforced from May 2018 onwards under the rules of the uniform General Data Protection Regulation. In the future, European coordination in monitoring compliance with data protection will

no longer be the exception, but the rule. Particularly in view of the user's consent, there will then be a stricter EU-wide ban on the coupling of information, which will further limit the market power of global providers."

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