

# Tackling the Challenges of Implementing the GDPR in the Public Administration

Dr. Moritz Karg

Digital Agenda and Central IT-Management Schleswig-Holstein



Schleswig-Holstein  
Ministry for Energy Transition,  
Agriculture, Environment,  
Nature and Digitalization

## Who is talking to you?

- Dr. Moritz Karg
  - 2006 – 2018
    - legal adviser in data protection authorities in Schleswig-Holstein and Hamburg with focus on ePrivacy and member of the Technology Subgroup of Art-29-Working Party
  - since 2018
    - project manager for digitalization projects
    - legal adviser for policy of digitalization
  - since 3 days...
    - designated data protection officer for approx. 800 public schools, 280.000 pupils and 23.000 teacher in Schleswig-Holstein (Art. 37 para 4 DSGVO)



# Department for the Digital Agenda and Central IT-Management of Schleswig-Holstein



## - Scope

- development of strategy and policy of digitalization of public administration – “Digitalisierungsprogramm Schleswig-Holstein”
- design of inter-ministerial procedures and digital governmental basic services
- central it-service for public administration of Schleswig-Holstein



# Department for the Digital Agenda and Central IT-Management of Schleswig-Holstein



- € 200 M annual budget
- 40K telephone devices
- 24K workstations
- 900 locations connected by private fiber network
- 400 identified potential digitalization projects



# thoughts on ...

- guiding principles for the development of an implementation strategy
- structure and process organization of data protection
- legal and organizational aspects

# guiding principles for the implementation of the GDPR



Schleswig-Holstein  
Ministry for Energy Transition,  
Agriculture, Environment,  
Nature and Digitalization

## some (non-legal) guiding principles ...

- data protection is a cross-section matter and integrated component of the principle of the rule of law
- Privacy and Data Protection Management is a continuous improvement process of the processing of personal data
- “Done is better than perfect” (Sheryl Sandberg)
- accountability in Art. 5 para 2 GDPR requires not only documentation but hands on work on compliant processing activities



# structure and process organization of data protection



structure and process organization of data protection  
work in progress



# Implementing Data Protection

Organisation

Processing  
Activities

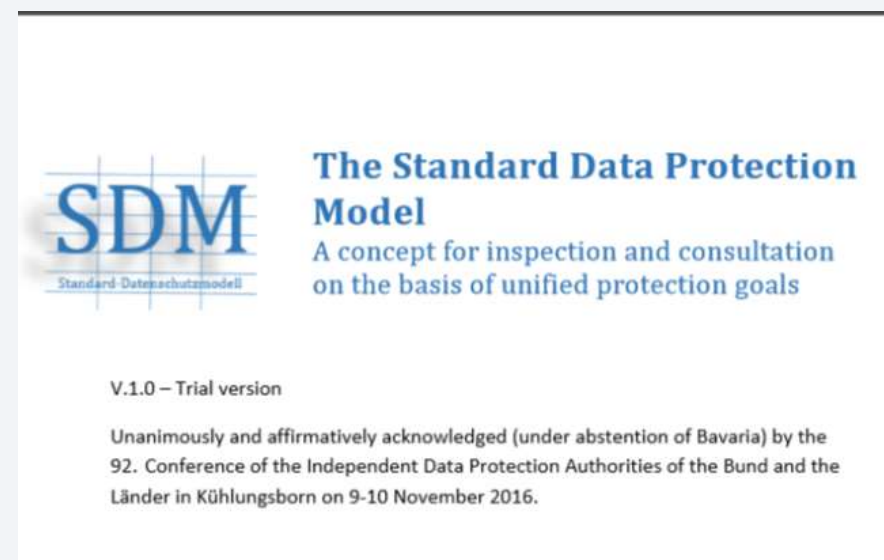
Law

## structure and process organization of data protection



Ensure that processing is **IN FACT** compliant with principles relating to processing of personal data –  
Art. 5 GDPR

- Standard Data Protection Model (Standard-Datenschutz-Modell – SDM)
  - operationalization of principles of data processing by technical and organizational measures
  - unanimously and affirmatively acknowledged German Conference of the Independent Data Protection Authorities
  - [https://www.datenschutzzentrum.de/uploads/sdm/SDM-Methodology\\_V1.0.pdf](https://www.datenschutzzentrum.de/uploads/sdm/SDM-Methodology_V1.0.pdf)



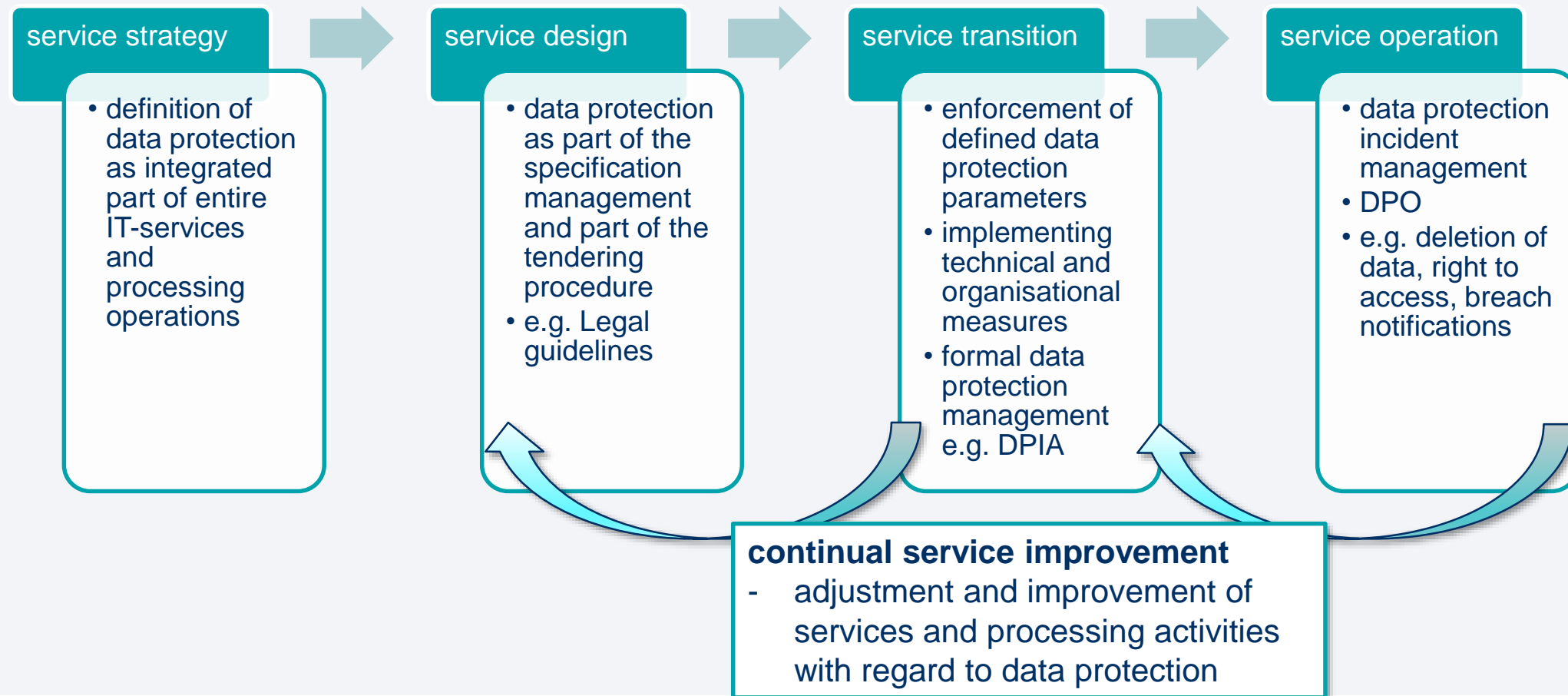
## organization – personnel and information transfer



- set up “Center of Competence for Data Protection” as “service unit” for all departments
- information transfer and support for technology and information officers in other governmental departments
- providing external data protection officers in accordance with Art. 37 para 3 GDPR for other governmental departments
- providing training and teaching for designated data protection officers



# data protection from “cradle to grave” privacy by design (ITIL)



# organizational aspects

## 4-stages of formal data protection management

### documentation and information

- Art. 30 GDPR - records of processing activities
- Art. 13 & 14 notice and information

### data protection impact assessment

- Art. 35 GDPR

### prior consultation

- Art. 36 GDPR

### notification and communication of data breaches

- Art. 33 & 34 DSGVO

# data protection impact assessment



- Art-29-Working Party: Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is "likely to result in a high risk" for the purposes of Regulation 2016/679, wp248rev.01
  - merely key points and hard to enforce
- “black-list” of high-risk-processing in accordance with Art. 35 para 4 GDPR
  - in the best case “work in progress”
- necessity to develop own threshold and criteria's for DPIA

## thresholds for DPIA – Art. 35 GDPR



### Some things need to be clear

- DPIA is concerned with the assessment of the risk for the **fundamental rights and interest** of the **data subject**
- attacker is the **own organisation**
- DPIA does **not** address external and merely technical risks to IT-organisation

# risk assessment - DPIA



- Project “Center of Competence for Data Protection”
  - carrying out of data protection risk analysis
  - analysis of processing activities
  - empirical survey of high risk and normal risk processing activities
  - prognosis on empirical data of prospective data processing

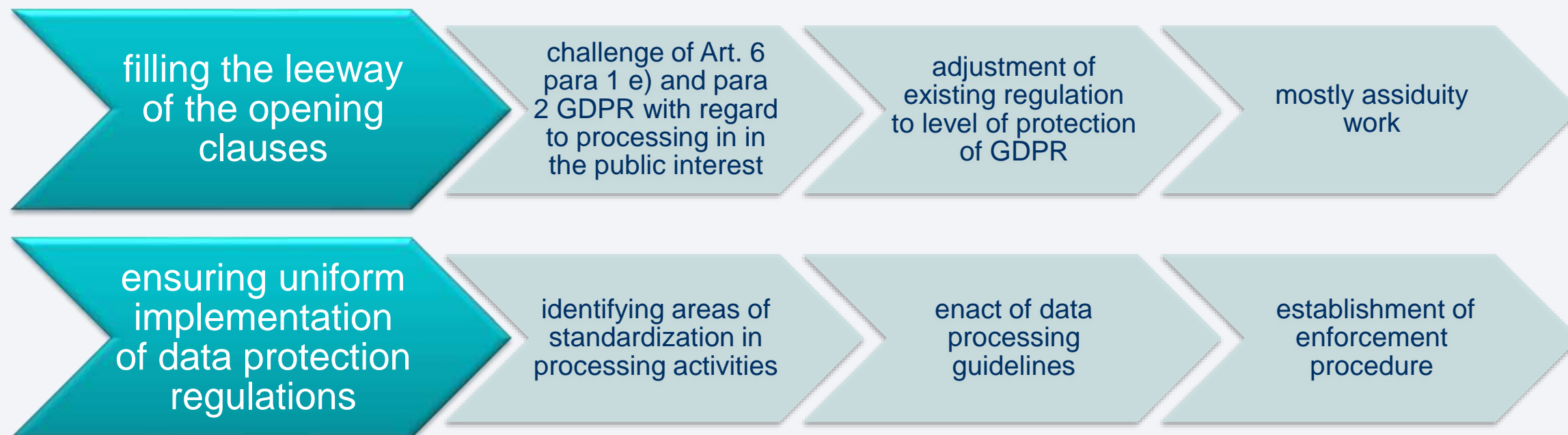
Risikobewertung

		Normal	Hoch	Sehr Hoch
Hoch		Normal	Hoch	Sehr Hoch
Normal		Normal	Hoch	Sehr Hoch
Gering		Normal	Normal	Hoch
Eintrittswahrscheinlichkeit	Schwere des Risiko	Gering	Normal	Hoch



# finally some legal stuff

## legal work to be done



# Paldies par uzmanību!



**Dr. Moritz Karg**

Ministerium für Energiewende, Landwirtschaft, Umwelt, Natur und Digitalisierung des Landes Schleswig-Holstein  
Digitale Agenda und zentrales IT-Management der Landesregierung

+49 431 988 7891

[moritz.karg@melund.landsh.de](mailto:moritz.karg@melund.landsh.de)

