

At a glance

BfDI Consultation on Anonymization

Starting Point

On 10 February 2020, the German Federal Commissioner for Data Protection and Information Freedom published a position paper on anonymization under the General Data Protection Regulation (GDPR) and launched a public consultation process.

Bitkom Assessment

The paper goes in the right direction: From our perspective, the consultation paper chooses the right approach, but it requires additional explanation and modifications on a few points. **Our goal** is more legal certainty for users. We deem well-defined criteria necessary to help answering the question when and whether data is anonymised. This process should be initiated with this consultation and then be specified along the various anonymization procedures, application areas and data groups.

Central Points

Bitkom represents new vendors as well as companies linked to traditional services. Our paper therefore charts out potential avenues for compromise:

- **A relative rather than an absolute definition of anonymization**

We welcome that the paper calls for a relative, not absolute definition of anonymization.

- **Processing and legal basis**

We do not see valid legal grounds for the changed opinion that anonymization itself is processing in the sense of the GDPR. Even if anonymization is treated as processing, it would not require (additional) legal basis. Rather, anonymization is privileged as a manifestation of the fundamental principle of data minimisation and therefore also admissible without legal basis.

- **Definition of conditions and criteria**

Instead of basing the process of anonymization on ill-fitting GDPR criteria, all parties involved would benefit from a precise definition stating the conditions for successful anonymization.