



German data protection news

The following are summaries of reports from the *Recht der Datenverarbeitung (RDV)*'s June 1995 edition (see footnote for contact details).

ABC of data protection jurisdiction

During the period 1992 to 1994, many court decisions on data protection matters were given in Germany by Administrative Law, Private Law and Labour Courts at different levels. The author defines and explains the most important issues arising in German data protection law. For example, he defines and discusses the following terms: employees' data protection, problems of data protection management in the private sector, protection of social data, data protection and the list of debtors, and protection of pupils' personal data. He specifies the term "data protection in public authorities/ administrations" by listing, in alphabetical order, the various German public authorities that process personal data.

Page 101-106 RDV 3/95. Hans-Dieter Hoppmann.

The procedure of European law making with special regard to the European Data Protection Draft Directive

Dietmar Wolff examines the complicated procedures of the European legal system. After introducing the different European institutions involved and the types of action afforded by the EEC Treaty, he covers possible ways forward within the framework of the Draft Directive.

Page 106-111 RDV 3/95. Dietmar Wolff.

Safeguards needed for data protection managers in dismissal cases

According to a recent judgement of the Dresden Labour Court (9/2/1994, Ref No: 3 Ca 7628/93),

the dismissal of an employee for operational reasons could have an impact on the legal position of the data protection manager. Dr. Ostrovitz examines the various reasons for dismissal that were considered in the Dresden judgement and discusses measures that could be taken to safeguard data protection managers in similar situations. He gives recommendations for drafting a contract of employment for data protection managers in the private sector.

Page 112-116 RDV 3/95. Dr. Alexander Ostrovitz.

Computer crime and electronic mail - part 2

Computer crime is increasing, especially the illegal use of third party computers. In the second part of his article, Dr. Binder deals with the different types of criminal offence and the methods employed in committing them. The author pays special attention to the modification of data, the withholding of data, hacking and data espionage according to the German Criminal Code, the Federal Data Protection Law and the Unfair Competition Act. (The first part of this article was published in April issue - RDV 2/95).

Page 116-123 RDV 3/95. Dr Jörg Binder.

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If you are interested in joining GDD, subscribing to RDV and/or requesting a copy of these articles (in German), please contact Ms. Désirée Zolotas, Editor, RDV, Irmintrudisstrasse 1b, 53111 Bonn, Germany.

Tel +(49) 2 28 69 4313 Fax +(49) 2 28 69 5638

Commentary on the Swiss Data Protection Act

For anyone wanting a complete picture of the Swiss Data Protection Act of 1992 and who understands German, *Kommentar zum Schweizerischen Datenschutzgesetz* is a must. This comprehensive commentary of the Swiss Act was written by several authors, including practising lawyers and academics. In almost 500 pages, the commentary provides a thorough and practical analysis of the Act, article by article, and examines its implications. Three hundred and fifty pages of annexes give an excellent reference and an overview of the surrounding legal framework. See PL&B Dec. '94 p. 22 for details of the companion volume.

Kommentar zum Schweizerischen Datenschutzgesetz, Hrsg.: Urs Maurer and Nedim Peter Vogt, 1995, pp. 845, ISBN 3-7190-1377-4, price SwFr. 298/DM 342, published by Helbing & Lichtenhahn, Verlag AG, Freie Strasse 84, CH 4051 Basel, Switzerland. Tel: +(41) 64 26 86 86. Fax: +(41) 64 26 86 20.