



## Data Protection

### Videotranscript

#### Introduction

[Danielle Kaufmann]: First of all, disclosure is a form of processing in the same way as collection, usage, storage and deletion of personal data. Such personal data are information with varying levels of sensitivity pertaining to a natural person who is at a minimum identifiable.

But why is disclosure subject to separate rules, if after all it constitutes a form of personal data processing? The reason for this is that the data are leaving behind the context within which they were originally collected with a justification.

This entails two risks. First, the disclosure may be unlawful; that is, made without any inherent justification. And second, it may be non-transparent; that is, happen without the data subject's knowledge.

In this second case, the person does not find out at all that the data on them is going into a new context, to another public body, perhaps also to another private individual. Potentially, therefore, someone may have access to the data without the data subject being aware of this.

We also need to differentiate disclosure from other forms of transmission of personal data. Not every transmission is at the same time a disclosure. We can illustrate this by making a comparison with contract data processing.

The contracted data processor is just a processor in this scenario. That means, they process the data not for a purpose of their own, but solely for the purpose of the public body which awarded them the contract. This public body remains the controller of and responsible for the data and their processing.

Conversely, when data are disclosed they are given over to a completely new area of responsibility. The recipients receive the personal data for their own purpose and are themselves responsible for any further processing. This means they themselves become controllers. Under § 21 of the Information and Data Protection Act, this requires a separate justification.

As far as the purpose is concerned, we need to make a further distinction.

As with other forms of personal data processing, there are two basic categories of purposes for data disclosure: we are disclosing the data for a purpose which is either specific to an individual or not. Let's look at an example of an individual-specific disclosure.

A patient's doctor gives their personal data to a laboratory for the purpose of making a diagnosis. The aim of this diagnosis is to allow the patient to receive better treatment or therapy for their condition. It is thus aiming to achieve something in relation to that very specific sick person: thus, the disclosure is individual-specific.

Disclosures for non-individual-specific purposes are different.

In this example, the doctor discloses the patient's data to a researcher along with many other patient data. The aim is for the researcher to use these data to identify connections so as, for example, to develop better diagnoses.

The data are thus not serving the purpose of helping a single, specific patient, but rather all those individuals suffering from the same condition in the future.