



Data Protection Video Transcript

Principle 3: Purpose

[Beat Rudin]: Whenever we collect or process data, we do it with a particular purpose in mind. We are then bound to this purpose.

That is the third principle of data protection law: purpose. It is set forth in § 12 IDG. It states that personal data may only be processed for the purpose for which it was collected. This applies as long as there is not an explicit legal basis for another use, or the affected individual does not explicitly consent to the specific use.

Therefore, the purpose of the data processing is of central importance for data protection. The decisive factor for the purpose is its justification. Under public law, this justification is the legal basis. This basis stipulates the purpose for which the data may be processed. If this data is to be used for **another** purpose, then a new legal basis is required. This means that we need a new or different legal basis or else consent from the affected individual.

Remember: the legal basis also sets forth the task for which it is necessary to collect or process data. The purpose is determined in each case by whether the data is appropriate, necessary, and/or absolutely essential to fulfill this task. This means that the purpose is based on an infringement of personal rights that is supposed to be proportionate. We may not infringe greatly on the affected individual's personal rights for a purpose that is relatively unimportant.

Let's take a look at an example of purpose. Your boss is allowed to process data concerning you in order to manage your employment relationship, to transfer your salary to you and to discuss new goals in a performance review.

So your boss knows quite a lot about you. And they are allowed to use this knowledge for particular purposes: to handle your employment contract, for example, or for matters of personnel administration and management.

But let's imagine a situation that is completely unrelated to that. You recently viewed an apartment and would like to apply for it.

The landlord happens to know your boss. He turns to him/her and asks: "What kind of person is this who applied to rent my apartment? Would you recommend him/her or not?" Is your boss now permitted to provide information about you and to say that you're a very pleasant person? Or perhaps the opposite: "You'll have a lot of trouble with this person, you probably won't be happy, he/she complains constantly"?

Is your boss allowed to use this knowledge about you?

If we compare the two purposes, it is clear: this represents a change of purpose. Your boss collected this data to handle your employment relationship and to manage you in your particular position. That is a different purpose from the one for which the landlord wants to have access to the data. The landlord wants



a reference to evaluate this person as a potential tenant of an apartment. That is no longer the same purpose for which your boss was permitted to process the data. Thus it requires a new justification. There is no separate law for this, but when we look back at § 12 IDG, we see the following possibility: if you expressly consent to it, your boss may provide a reference to the landlord.

So we are only allowed to process data for the purpose permitted by the legal basis in order to fulfill a task. A change of purpose requires a new justification or consent.

The principle of purpose thus protects personal data from unauthorized processing for a different purpose.