

**Question for written answer E-002804/2021  
to the Commission**

Rule 138

**Christine Anderson (ID)**

**Subject:** Unauthorised cross-checking of reporting data and infringement of the GDPR by public service media and collection of their fees in Germany

According to a report by the Berlin Data Protection Officer (page 167)<sup>1</sup>, the rights of public broadcasting licence fee payers as regards access to information are to be restricted at least in parts of Germany. Thus, for example, more information will be requested than is necessary to deal with the matter. By law, public service broadcasters regularly receive ALL population registration data from the authorities. This constitutes a cross-check of reporting data and is in breach of the European General Data Protection Regulation.

The Data Protection Officer already criticised this practice in her 2019 Data Protection Report. Pursuant to the Twenty-third Amending State Treaty on Broadcasting , a complete cross-check of the population register data is to be carried out every four years from 2022 onwards. The comprehensive cross-check of the population register data carried out in 2013 had already raised significant data protection concerns. The rules do not sufficiently take into account the standards of the General Data Protection Regulation (GDPR): Due to the primacy of European regulations, it must be possible to base the application of national data protection rules on an opening clause of the GDPR. Already in the 2019 report, the Data Protection Commissioner called for the proposed restriction of rights regarding access to information, which runs counter to EU law, to be removed from the draft State Treaty on Broadcasting Licence Fees.

1. Is the European Commission aware of this infringement or similar infringements by public bodies in Germany or other EU Member States?
2. How, according to the European Commission, should compliance with the GDPR by public bodies be ensured and guaranteed?
3. Is the European Commission planning to take action to curb such breaches and non-compliance with the GDPR by Member States in the future?

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<sup>1</sup> [https://www.datenschutz-berlin.de/fileadmin/user\\_upload/pdf/publikationen/jahresbericht/BInBDI-Jahresbericht-2019-Web.pdf](https://www.datenschutz-berlin.de/fileadmin/user_upload/pdf/publikationen/jahresbericht/BInBDI-Jahresbericht-2019-Web.pdf)