Creating a seamless link between old and new German data privacy laws

Like all businesses in Germany, e-commerce operations have been subject to strict data privacy laws for some time. Over the past year, the German government has also worked on enabling legislation to implement the EU’s General Data Protection Regulation (GDPR) ahead of the May 2018 deadline.

Passed in July 2017, the new Data Protection Amendments and Implementation Act will replace Germany’s Federal Data Protection Act (DPA). However, while there are some question marks over domestic and international interpretation, as well as some differences to be resolved on how the new German and EU GDPR mesh together, the main focus for many German e-commerce operators is the creation of a seamless link between Germany’s old data protection act and the new and more EU-aligned version, rather than having to completely overhaul systems and processes that some other European countries are facing.

Close regulatory gaps

While most organizations have been operating under strong data privacy laws for some years, there may be certain requirements of the new and updated data protection regulations that need to be formally integrated into current business processes. Between now and May 2018, e-commerce operations should assess any differences, aim to close any regulatory gaps and then work out a strategy for bridging any differences in order to blend them into the business process. As with previous German data protection laws, any regulatory breaches will be subject to strict fines as well as the potential for other legal reprisals.

Refresh documentation

One of the main aims of GDPR is to give greater protection and more rights to individuals on how their personal data is handled and used. Unlike previous data protection requirements in Germany that required a shorter form of documentation, new regulations require going into greater detail on processes and systems that record and manage data and to produce those documents when requested. Whether it’s through the use of a template or more customised documentation methods, clear and meticulous documentation is a must. It’s perhaps worthwhile to take the opportunity that new regulation presents to refresh and update documentation to not only meet new requirements, but to also make any improvements that demonstrate to both consumers and the regulators that German e-commerce operations have progressed in line with their regulatory obligations.

Utilize training

Training can help explain and embed the impact of any regulatory change on internal processes. And while many organizations may already feel comfortable with what the new data protection laws mean for their business, training remains a useful tool to inform and update specific areas of the business that will be most affected by the updated privacy laws. This is particularly important for employees involved in marketing responsibilities where regulatory compliance does not necessarily come as a natural function.

There is a danger for German e-commerce operations to assume that GDPR means little change. Yet without careful assessment of how the latest German regulations fit into the equation it is not possible to be 100% sure that the link between old and new regulatory requirements will be bridged successfully when May 2018 arrives. Now is the ideal opportunity to take stock.

- Stefan Wittjen

Stefan Wittjen
Senior Manager
Mazars Germany