



Information regarding data protection in court proceedings and in matters of judicial administration

The following information concerns the processing of data by the Federal Constitutional Court in the context of court proceedings (Art. 93 of the Basic Law, *Grundgesetz* – GG, § 13 of the Federal Constitutional Court Act, *Bundesverfassungsgerichtsgesetz* – BVerfGG) and in matters of judicial administration (§ 63(1) of the Rules of Procedure of the Federal Constitutional Court, *Geschäftsordnung des Bundesverfassungsgerichts* – GOBVerfG).

Who is responsible for data processing and who can I contact?

The controller regarding data processing within the meaning of the General Data Protection Regulation (GDPR) and other data protection provisions is:

Bundesverfassungsgericht
Schlossbezirk 3
76131 Karlsruhe
Phone: +49 (721) 9101-0
Fax: +49 (721) 9101-382
E-mail: bverfg@bundesverfassungsgericht.de

You can contact our Data Protection Officer as follows:

Bundesverfassungsgericht
-Datenschutzbeauftragte-
Postfach 1771 76006 Karlsruhe
Phone: +49 721 9101-0
Fax: +49 721 9101-382
E-mail: datenschutz@bundesverfassungsgericht.de

The Data Protection Officer is exclusively responsible for data protection issues. She cannot provide any information on court proceedings and cannot provide legal advice.

Personal data that are processed by the Federal Constitutional Court in court proceedings and matters of judicial administration

Personal data are, for example, pieces of information regarding your person, but also regarding circumstances that are related to your person.

The Federal Constitutional Court processes personal data, in particular of parties to the proceedings, authorised representatives, experts and witnesses. In addition, personal data of persons not involved in the proceedings may be processed if, for example, the submissions of the parties to the proceedings contain their data.

Given that the court proceedings and matters of judicial administration before the Federal Constitutional Court relate to various areas of life, various types of data may be required for the proceedings (e.g. name and address, date of birth if applicable, occupation, marital status, etc.; in particular in the context of legal aid, disclosing the applicant's financial situation is also required). Depending on the subject matter of the dispute, data processing may also include special categories of personal data within the meaning of Art. 9(1) GDPR (e.g. health data).

What are the sources of the personal data processed?

In the context of its judicial activities, the Federal Constitutional Court does not exclusively process personal data transmitted by you, it may also collect personal data from other bodies and persons, such as from parties to the proceedings before the Federal Constitutional Court or to the initial proceedings, from witnesses and experts, from expert third parties, from federal or *Land* organs entitled to submit statements and third parties entitled to be heard. In addition, information, documents or files containing personal data about you may be requested from other sources, such as administrative authorities or courts. The legal basis for this is set out in particular in §§ 23, 26 to 28, 77, 82, 94 BVerfGG.

If the Federal Constitutional Court conducts an oral hearing, minutes are taken and a tape recording is made of the oral hearing (§ 25a BVerfGG). Personal data may also be recorded in the minutes and the tape recording.

Purposes and legal basis of processing personal data

Your personal data will only be processed to the extent necessary to perform the duties of the Federal Constitutional Court or to fulfil legal obligations. The legal basis for data processing is Art. 6(1) first sentence letter e GDPR in conjunction with § 3 of the Federal Data Protection Act (*Bundesdatenschutzgesetz – BDSG*), Art. 6(1) first sentence letter c GDPR and the relevant procedural provisions of the Federal Constitutional Court Act. The processing of special categories of personal data (e.g. health data) is additionally based on Art. 9(2) letter f GDPR.

Upon the conclusion of the proceedings, data can be processed in order to comply with the statutory retention periods (§ 35b BVerfGG, § 37 GOBVerfG, provisions of the Federal Archives Act, *Bundesarchivgesetz – BArchG*).

To the extent that the Federal Constitutional Court processes your data based on your consent, the legal basis for this is Art. 6(1) first sentence letter a GDPR.

Your personal data will only be processed for purposes other than those stated above if there is a legal basis for doing so.

To whom are your personal data disclosed?

Within the Federal Constitutional Court, only employees who are concerned with conducting the proceedings (e.g. Justices, judicial clerks, senior judicial officers (*Rechtspfleger*), the Senate registries etc.) are given access to your personal data.

In proceedings in which fees are charged (e.g. expenses for writing or service of the decision, fee for abuse of rights), the Federal Constitutional Court forwards the name and address of the party or parties liable to pay the fees as well as the procedural data to the Federal Treasury (*Bundeskasse*) in Halle for the purpose of collecting the fees incurred.

If the relevant requirements are met, the files of the proceedings and documents will be transferred to the Federal Archives upon the conclusion of the proceedings.

If necessary, your personal data may also be transmitted to different categories of recipients within the framework of statutory provisions, for example to:

- parties to the proceedings in which your personal data were collected, to the extent necessary for conducting the proceedings;
- persons to be consulted in the proceedings (e.g. experts, witnesses), to the extent necessary for conducting the proceedings;
- expert third parties that must be given the opportunity to submit statements in the proceedings;
- authorities, to the extent necessary for the performance of our duties or their duties, e.g. to foreign or security authorities;
- courts that decided in the initial proceedings, to the extent necessary for the performance of our or their duties;
- parties to the initial proceedings, to the extent necessary for the performance of our or their duties;
- third parties entitled to submit statements;
- persons or bodies entitled to receive information or inspect files on the basis of the applicable provisions.

Data will not be transmitted to a country outside the European Union.

No automated individual decision-making

The Federal Constitutional Court does not use automated decision-making procedures to perform its duties.

Are you obliged to provide your personal data?

You are obliged to provide personal data only to the extent that the Federal Constitutional Court requires such data for the proper conduct of the proceedings or is legally obliged to collect such data.

If you are obliged to provide personal data according to the relevant legal basis, the legal consequences of a breach of this obligation will depend on its provisions.

How long does the Federal Constitutional Court store your personal data?

The storage periods for the personal data processed in the context of court proceedings and in matters of judicial administration are determined by the provisions regarding storage periods applicable to the files of the proceedings (§ 35b BVerfGG, § 37 GOBVerfG and the provisions of the Federal Archives Act).

Your rights with regard to data collected by the Federal Constitutional Court

1. Right of access

Pursuant to Art. 15 GDPR, you have the right to obtain information about the personal data concerning you and some other important information such as the processing purposes or the duration of storage.

2. Right to rectification

The right to rectification (Art. 16 GDPR) allows you to have inaccurate personal data concerning you corrected.

3. Right to restriction of processing

The right to restriction of processing (Art. 18 GDPR) allows you to prevent further processing of personal data concerning you for the time being. Particularly, the right to restriction applies during the period in which other rights (e.g. the right to object) you have exercised are under review.

4. Right to erasure

The right to erasure (Art. 17 GDPR) allows you to have the controller delete data. However, this is only possible if the personal data concerning you are no longer required – in particular with regard to the court proceedings and statutory retention periods –, if they are processed unlawfully or if the relevant consent has been withdrawn. The exceptions to this right laid down in § 35 BDSG apply.

5. Right to object

The right to object (Art. 21 GDPR) allows you to object to the further processing of your personal data in particular situations, if processing is justified by the exercise of public duties or public interests. Pursuant to § 36 BDSG, this right does not apply if there is a compelling public interest in the processing which outweighs the interests of the person concerned, or if a legal provision requires that the data be processed.

6. Right to withdraw consent under data protection law

The right to withdraw consent (Art. 7(3) GDPR) allows you to withdraw your consent under data protection law at any time. Withdrawing consent does not affect the lawfulness of processing on the basis of the consent given until it is withdrawn.

7. Right to lodge a complaint with a supervisory authority

Without prejudice to any other administrative or judicial legal remedy, you have the right to lodge a complaint with a supervisory authority (Art. 77 GDPR), in our case the Federal Commissioner for Data Protection and Freedom of Information (*Bundesbeauftragter für den Datenschutz und die Informationsfreiheit*) if you think that the processing of personal data concerning you violates the GDPR.

Please note that the supervisory authority only exercises supervision to the extent that the Federal Constitutional Court acts in administrative matters, and not when it acts in its judicial capacity.