



Data Protection

Videotranscript

Introduction

[Beat Rudin]: Data protection is not about protecting the data in and of itself. Rather, it is about protecting the person whose data are being processed. The aim is to protect that person's fundamental rights. They should be able to decide for themselves who will do what with their personal data.

Is this freedom to decide unlimited?

In the area of government, of course it is not: the government has to be able to process certain personal data in order to perform its statutory tasks. The constitution allows this under various conditions. The key principle here is lawfulness, or, in public law: legality. As a basic principle, data may only be processed by government agencies if there is a legal basis allowing this.

The principle of transparency ensures that the data subject is informed that personal data about them are being collected.

The principle of proportionality ensures that only as much data as are necessary are processed – and only for as long as necessary.

And the principle of integrity states that personal data which are being processed must be accurate. But how can a data subject check and control this? How do they even know whether a public body is collecting, processing or even sharing data about them?

To this end, the applicable Basel-Stadt Information and Data Protection Act (IDG) contains obligations that a public body must uphold. These include, for example, the obligation to inform subjects that personal data are being collected.

At the same time, the IDG grants the data subjects certain rights. For example, every individual has a right to information about and access to their own data. Consequently, they can contact a public body at any time to ask whether data about them are being processed and, if so, what data.

When the data subject knows what data about them are being processed, they can also determine whether these data are accurate. If they feel that this is not the case, they can demand that inaccurate data be corrected or deleted.

If personal data about them are being processed unlawfully, they can demand that this stop happening, in other words that the unlawful processing be discontinued.

But what should a data subject do if they have already suffered a disadvantage due to this unlawful processing of their data? If, for example, the unlawful data have already been passed on to other public bodies?

In this case, they can demand that these consequences be remediated.

This means that the public body will have to inform, for example, the agencies and individuals to whom it has passed on the inaccurate or unlawfully processed data and ask them to destroy or correct the data in question.



And what can a data subject do if the public body does not comply with these legal claims?

They can then take legal action.

That means they can ask for a ruling on the rejection of their request and contest this with an appeal. Or they can make a complaint (“Anzeige”) to the data protection officer.

In this chapter, we will be looking at the legal rights of data subjects in detail.