

## Seal of Privacy for IT products and privacy protection audit for public authorities



The Independent Centre for Privacy Protection (ULD) in Schleswig-Holstein, Germany has ushered in a new era of data protection with its two certification projects.

The public authority audit and the Seal of Privacy offer benefits to those who comply with the legal data protection requirements. They are essential for promoting privacy-sympathetic technology. Privacy protection can now be implemented in Schleswig-Holstein as both a competitive and location advantage.

### Privacy protection as a competitive advantage

#### WHAT IS A SEAL OF PRIVACY

##### UNDER THE DATA PROTECTION ACT SCHLESWIG-HOLSTEIN?

A Seal of Privacy certifies that the compatibility of the product with the provisions governing data protection has been confirmed by an official process. The Independent Centre for Privacy Protection (ULD) therefore recommends that these products shall be given priority in authorities and public offices.

#### WHICH PRODUCTS CAN BE AWARDED A SEAL OF PRIVACY?

All IT products, whether software, hardware or automated processes, suitable for use by public offices can be awarded a Seal of Privacy.

#### HOW DOES THE PROCESS WORK?

Manufacturers or vendors commission a specialist or test centre of their choosing, accredited by the ULD. They then carry out legal and technical checks on the product and the results are documented. A specialist report and the certification application are then submitted to the ULD. If the ULD approves the product as legally and technically correct, then a privacy protection seal is awarded for two years.

## PRIVACY PROTECTION AS A COMPETITIVE ADVANTAGE

#### WHAT ARE THE CRITERIA FOR ISSUING A SEAL OF PRIVACY?

The product is checked for compatibility with the provisions on privacy protection and data security. Particular attention is paid to data avoidance and minimization, to data security and revisability and to ensuring the rights of those concerned. The ULD provides a regularly updated catalogue for IT products stating the requirements with regard to privacy protection.

#### WHAT ARE THE ADVANTAGES OF CERTIFYING AN IT PRODUCT?

A Seal of Privacy brings considerable benefits when marketing products to public authorities in Schleswig-Holstein. In accordance with the Land Data Protection Act (LDSP), public authorities in Schleswig-Holstein are bound to procure and install products that meet the data protection requirements as a matter of preference.

#### DOES THE SEAL OF PRIVACY APPLY TO OTHER REGIONS?

It is anticipated that in future the Seal of Privacy will help the implementation of products in public offices in other German Laender.

North-Rhine Westphalia, Brandenburg and Mecklenburg-Western Pomerania already have the relevant legislation. The new Federal Data Protection Act also provides for Seals of privacy and public authority audits.

#### WHAT IS A PRIVACY PUBLIC AUTHORITY AUDIT?

Authorities in Schleswig-Holstein can have their privacy protection system checked and audited in a formal procedure by the Independent Centre for Privacy Protection (ULD). If the process is successful, the authority is awarded an audit label. A Seal of Privacy is also beneficial for audit processes. By using products with a Seal of Privacy, it is easier for public offices to optimise their internal organisation based on data protection aspects – an enhanced benefit from using both certification processes.

#### WHICH REQUIREMENTS NEED TO BE MET FOR A PUBLIC AUTHORITY AUDIT?

The audit is based on a written agreement between the relevant authority and the ULD. This is followed by stocktaking, defining the privacy protection targets, setting up a privacy protection management system and drawing up a privacy policy. If the report from the ULD is successful, a privacy protection audit label is finally awarded for three years to start with.

#### CAN PRIVATE COMPANIES BE AUDITED TOO?

Not as a rule, because audits in private business are regulated by federal law. Where private companies are part of the data processing system in a public office, they may be included insofar into the audit.



A programme of the Ministry of Economics, Technology and Transport (MWTV) and the Schleswig-Holstein Technology Foundation (TSH) funded out of the Innovative Actions of the European Regional Development Fund (ERDF) by the European Commission's GD Regio.



#### FUNDING THE SEAL OF PRIVACY AND PRIVACY PUBLIC AUTHORITY AUDIT BY THE EUROPEAN UNION

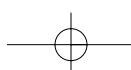
As part of its "e-region Schleswig-Holstein" programme, the European Union is currently funding two pilot projects from the Independent Centre for Privacy Protection (ULD): Seal of Privacy and Privacy Public Authority Audit. They have been funded from the European Fund for Regional Development along with 12 other projects in Schleswig-Holstein that are characterised by innovative and pioneering use of modern information and communication technology.

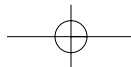
Thanks to this financial support, small and medium-sized enterprises (SME) in the region are being offered an incentive to obtain a Seal of Privacy for their information technology products, whether software, hardware or automated processes.

The companies that meet the funding criteria under the "e-Region Schleswig-Holstein" initiative receive a fixed sum to partially offset the costs of the audit. The ULD also provides its standard chargeable services free of charge in the certification process.

#### THIS ENSURES THAT CERTIFICATED PRODUCTS HAVE A CONSIDERABLE COMPETITIVE ADVANTAGE!

Public authorities and offices in Schleswig-Holstein are legally bound to procure and install products audited for privacy protection to process personal data as a matter of preference. The Data Protection Acts in some other Laender in Germany contain similar regulations and the new Federal Data Protection Act provides for privacy seals and audits. The growing number of requests indicates an increasing level of interest from neighbouring European countries. In a simplified process, authorities can commission a privacy protection audit from the ULD if they use certified products.





**INCREASING TRUST USING AUDITS AND SEALS OF PRIVACY**

Authorities and companies can use the audits and the Seal of Privacy to promote trust in their products and processes. Citizens and customers can form their own opinion about the quality of the products and services and express their personal view on the importance of privacy protection by purchasing the product. For several years now, surveys have shown an increased interest on the part of citizens in privacy protection issues and in the long term, certified products and services will have market advantages in the private sector as well.

**THE FUTURE OF PRIVACY PROTECTION**

The privacy protection audit and privacy seals are the way forward for data protection law, according to the appraisal of the Independent Centre for Privacy Protection of Land Schleswig-Holstein. Both seals make it possible to distinguish good data protection products and services, and so to improve their market prospects. For the first time, this puts in place a system of incentives and benefits for data protection, whereas rules and prohibitions were previously dominant in this sphere.

In Germany, only Schleswig-Holstein law makes provision for the award of this kind of privacy seal. Thus the privacy protection audit and privacy seal highlight the groundbreaking role which can increasingly be ascribed to Schleswig-Holstein as a major centre for IT.

**FURTHER INFORMATIONS**

Detailed informations on seal of privacy for IT products and privacy protection audit for public authorities can be found on the following websites:

[www.datenschutzzentrum.de](http://www.datenschutzzentrum.de)

- /guetesiegel/  
Tel: ++49/431/988-1398
- /audit/  
Tel: ++49/431/988-1399

or can be obtained from:

**Independent Centre for  
Privacy Protection Schleswig-Holstein  
(Unabhängiges Landeszentrum für Datenschutz - ULD)**  
Holstenstraße 98, D-24103 Kiel, Germany

Tel.: ++49-431-988-1200, Fax: ++49-431-988-1223

E-Mail: [siegel@datenschutzzentrum.de](mailto:siegel@datenschutzzentrum.de)  
[audit@datenschutzzentrum.de](mailto:audit@datenschutzzentrum.de)

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Put this date in your diary!

**INTERNATIONAL CONGRESS  
IN KIEL**

The next Summer School  
will take place in Kiel on 25th August 2003 on

**Seal of Privacy and Privacy Public  
Authority Audit**

The congress is intended as a platform  
to exchange information about privacy seals  
and audit projects in Europe.

Conference language: English/German

Further informations will be published on:  
[www.datenschutzzentrum.de/somak/](http://www.datenschutzzentrum.de/somak/)

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Privacy protection as a competitive advantage

www.eyeky.de

