

Are your websites legally compliant?

Dear colleagues

Following a ruling by the Munich higher regional court, a "wave of warnings" is currently rolling out across Germany:

Operators of websites that are not designed in compliance with the law receive letters from an initiative of lawyers in which, among other things, claims for compensation due to data protection violations are demanded. This means that departments, research teams and other institutions of the University of Konstanz that have their own websites may receive such a "warning letter" due to data protection violations.

If you receive a corresponding email or letter, please immediately contact our Division of Legal Affairs (justitiariat@uni-konstanz.de) so that the required steps can be taken.

Ideally, you can keep this from happening by ensuring that your websites fulfil the legal requirements. This is especially important for pages that use third-party content (e.g. from YouTube or Twitter), social media plug-ins (e.g. Instagram, Facebook) or web analytics services (e.g. Matomo, Google Analytics). For this reason, we kindly ask all university institutions to check whether their websites fulfil data protection requirements and to stop using any services in which data is transferred abroad. If you are unable to check the legal compliance of your websites on your own, we recommend using the website scanner from the Privacy and Security in Information Systems Group at the University of Bamberg. It is available online at <https://privacyscore.org/>. You can also use other website scanners available online to help complete this check. However, not all of them are trustworthy and some may provide incorrect results or are linked to law firms issuing warnings.

The IP addresses of users are considered to be personal data covered in the provisions of the General Data Protection Regulation (GDPR). Collection and transfer of IP addresses is thus only permitted if users have either consented to this data processing or a legal provision allows it. The latter case is generally not true if IP addresses are transferred to Google.

Pages that use Google Fonts can integrate this service locally on the website. This means these fonts no longer have to be loaded from Google's servers, and visitors' IP addresses are not shared with Google.

In addition, the Telekommunikation-Telemedien-Datenschutz- Gesetz TTDSG (telecommunications telemedia data protection act) has been in force since 1 December 2021. As per the TTDSG, websites must have the consent of the respective website users if they use cookies that are not technically necessary. This consent is usually obtained via a cookie banner.

If you have websites that require the processing of personal data – perhaps even outside Germany – and that you absolutely need or want to use, please make sure this website is listed in the university's data processing register. Information and documents for creating an entry in the data processing register are available (in German) at: <https://www.uni-konstanz.de/datenschutz/verarbeitungsverzeichnis/>.

All web editors must also ensure that users are informed about the type and scope of personal data processed as well as about the use of cookies when they access the corresponding pages. Users must then be asked for their consent for such data processing. The respective information is provided in data protection information, and consent is requested via a cookie banner on the website. Please also check whether the "impressum" section of your website is up to date.

If you have questions, feel free to contact us by emailing justitiariat@uni-konstanz.de.