

Data Protection Act (DSGJZ)

In the wording of April 1, 2011

Preamble. (1) The protection of the right of privacy is based on the view of man as derived by the Religious Association from their understanding of the Bible. A high value is attached to the guarding of confidentiality regarding personal circumstances of each individual – also under the aspect of the trusted pastoral relationship. (Proverbs 20:19; 25:9) Pastoral activity presupposes that the person concerned can freely confide and openly address problems. (Proverbs 15:22) The necessity of protection of privacy is the prerequisite for the manifestation of fundamental principles (§ 13, par. 1 StRG; § 3, par. 5, No. 1, 2 VersO) of the Religious Association. Therefore, the Religious Association has for decades made arrangements in its religious law to ensure protection of personal data – even before the creation of the Data Protection Act of the Federation and the States.

(2) Regardless of the legal form in which the individual structural divisions and facilities (§ 5 StRG) of the Religious Association exist, all are subject to the religious law. (Preamble, par. 4 StRG) This creates the basis for its actions. The maintaining of the right of privacy of each individual is ensured by means of the religion's own adequate data protection, regardless of the fact that the governmental data protection laws for the protection of personal data do not apply to the Religious Association.

§ 1 Scope of application, data economy, data security. (1) This Act is applicable to the handling of personal data by all structural divisions and agencies of the Religious Association. All regulations of the religious law that deal with the handling of personal data are part of this Act.

(2) “Personal data” means any information concerning the personal or material circumstances of an identified or identifiable natural person.

(3) The Religious Association collects, processes or uses personal data only to the extent necessary in order to fulfil its purpose (§ 2 StRG), whereby it focuses on collecting, processing or using no or as little personal data as possible (data economy).

(4) Data security has to be ensured by appropriate technical and organizational measures.

§ 2 Admissibility. The collection, processing and use of personal data shall be admissible only if permitted or prescribed by this Act or any other legal provision, or if the individual has consented.

§ 3 Rights of the individual, balancing of interests. (1) The individual's right of access, correction, deletion or blocking, are granted according to religious law (Preamble, par. 4 StRG). In addition a right of consultation exists for members of the Religious Association (§ 14, par. 1 StRG) as well as persons having the status of an unbaptized publisher (§ 14, par. 2 StRG) regarding the publisher's record card of the congregation issued to them. The aforementioned rights are only valid as far as the spiritual-pastoral duty of the Religious Association is not endangered or the request does not collide with the justified interests of third parties. Thereby the interests of the Religious Association in maintaining and using of the data (§ 1, par. 3) as well as the interest of the claimant in safeguarding his right of self-determination are to be balanced justly.

(2) If in the case of par. 1, the claimant's right collides with predominant interests of the Religious Association, the claimant's interest will be satisfied by means of other measures if possible; for example in case deletion is not granted by blocking of data. In the case of a rejection of the claim, the claimant is to be notified of the fundamental reasons for the decision.

(3) Rights of access regarding documents of a committee (§§ 15, 16 StRG) only exist in the course of the proceeding.

(4) Personal data about the status of membership are permanently stored. The right of blocking is granted without reservations.

(5) Whoever asserts claims according to this regulation must prove his identity free of doubt.

(6) Claims according to this regulation are to be directed to the respective competent structural division or agency of the Religious Association (§ 5 StRG).

§ 4 Right of complaint. (1) Whoever feels infringed in his rights according to § 3 can appeal to the Branch Committee by means of a personal complaint. There is a time allowance for the complaint of two weeks after revealing the reason for the complaint.

(2) The complaints procedure is arranged as a written procedure.

§ 5 Data Protection Official. (1) The Branch Committee appoints the Data Protection Official who possesses the specialized knowledge and demonstrates the reliability necessary for the performance of the duties concerned. In the exercise of his function he is not subject to directives.

(2) The Data Protection Official monitors the compliance with the regulations of this Act and other data protection provisions. He is vested with the authority correspondent to that of §§ 24 ff. of the Federal Data Protection Act (BDSG).

(3) Each person is entitled to appeal to the data protection official if he feels infringed in his rights according to § 3. The Data Protection Official will give attention to his request under consideration of the religious law guidelines of the Religious Association. In conclusion, he will inform the individual about the results of his examination.