

Data Protection Act of Jehovah's Witnesses (DSGJZ-E)

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Preamble. (1) The protection of the right to privacy is based on the view of humanity which the Religious Association has derived from its understanding of the Bible. A high value is accorded to guarding confidentiality with regard to the personal circumstances of each individual — as well as the trust-based pastoral relationship. (Proverbs 20:19; 25:9) Pastoral activity presupposes that a person can freely confide in another and openly address problems. (Proverbs 15:22) The need to protect privacy is a prerequisite for the realisation of fundamental principles (§ 13, par. 1 StRG; § 3, par. 5, subparagraphs 1, 2 VersO) of the Religious Association. Therefore, the Religious Association has been making provisions in its religious law for decades to ensure that personal data is protected — even before data protection laws were established at the federal, federal state and European Union levels.

(2) The decades of bitter persecution under the National Socialist regime and the German Democratic Republic (East Germany) taught Jehovah's Witnesses the importance of protecting privacy and of not disclosing personal data. The persecution, bans and deprivation of rights which persist in some parts of the world give rise to the need for a global standard to safeguard confidentiality.

(3) Regardless of the legal forms of the Religious Association's various structural divisions and facilities (§ 5 StRG), all are subject to the religious law (Preamble, par. 4 StRG). This forms the basis for the actions [of the Religious Association]. The preservation of each individual's right to privacy is guaranteed by means of the Religious Association's own appropriate data protection policy.

(4) This Data Protection Act of Jehovah's Witnesses (DSGJZ) is adopted on the basis of the constitutionally guaranteed right of *Jehovas Zeugen in Deutschland* to independently organise and administer its affairs within the limits of the law applicable to all. This right is also respected and set out in European law in Article 91 and recital 165 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation [GDPR]), and Article 17 of the Treaty on the Functioning of the European Union (TFEU). In exercising this right, this Act establishes compatibility with the GDPR.

§ 1 Purpose, scope of application. (1) The purpose of this Act is to protect the individual's right to privacy from being impaired through the processing of his personal data and to enable the free movement of such data.

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(2) This Act applies to the processing of personal data by all structural divisions and agencies of the Religious Association (§ 5 StRG) in Germany and abroad regardless of their legal status under State law.

(3) This Act also applies to any processing of personal data from structural divisions or agencies of the Worldwide Religious Association of Jehovah's Witnesses abroad if:

1. There is a decision from the Governing Body which assigns such a task, and
2. The data processing is conducted on the premises and with the technical resources of the Religious Association or by other controllers to whom the processing has been transferred by means of the religious law.

(4) All regulations in the religious law that deal with the processing of personal data are part of this Act.

(5) If special religious laws or special government regulations apply to personal data, including the publication of this data, these take precedence over this Act provided that they do not offer a lower level of data protection than does this Act.

(6) The Data Protection Act of the Religious Association (§ 1, par. 4) must be interpreted in a way that maintains the level of protection provided for in the GDPR as well as the data protection laws of the State.

(7) Where necessary, the GDPR regulations and the State's data protection laws will be applied *mutatis mutandis* as part of this Act.

(8) The duty to safeguard pastoral secrets, other legal secrecy obligations, or other professional secrets or special official secrets that are not based on legal regulations, remains unaffected.

(9) This Act does not apply to the processing of personal data by a natural person in the course of a purely personal activity, particularly the personal practice of religion in the form of the public preaching activity (§ 13, par. 1, sentence 4 StRG; § 1, par. 3 RLEMJZ).

§ 2 Personal data. (1) 'Personal data' means any information relating to the personal or factual circumstances of an identified or identifiable natural person.

(2) Special categories of personal data are those which reveal racial or ethnic origin, religious or philosophical beliefs, as well as genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. Affiliation with a Religious Association is not a special category of personal data.

§ 3 Principles for processing personal data. (1) The principles of lawfulness, fairness, transparency, purpose limitation, data minimisation, accuracy, storage limitation as well as integrity and confidentiality shall be observed.

(2) The controller shall be responsible for, and be able to demonstrate compliance with paragraph 1 ('accountability').

(3) Persons engaged in data processing may not process personal data without authorisation ('confidentiality'). On taking up their duties, these persons obligated to maintain confidentiality and comply with the relevant data protection regulations. This confidentiality shall continue to be in effect after termination of their activity.

§ 4 Lawfulness of processing personal data. (1) Processing personal data shall be lawful only if at least one of the following conditions is fulfilled:

1. This Act or another legal regulation from the Religious Association or State or Union permits or directs it;
2. The data subject has given consent to the processing of his personal data for one or more specific purposes;
3. Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
4. Processing is necessary for compliance with a legal obligation to which the controller is subject;
5. Processing is necessary in order to protect the vital interests of the data subject or another natural person;
6. Processing is necessary for the performance of a task carried out in the interest of the Religious Association or in the exercise of official authority vested in the controller;
7. Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a minor.

(2) Processing for a purpose other than the one for which the personal data were originally collected ('change of purpose') is only permissible if:

1. A legal provision of the Religious Association prescribes or peremptorily presupposes such processing;
2. A legal provision of the State or Union prescribes it and this does not conflict with the interests of the Religious Association;
3. The data subject has consented;
4. It is evident that this is in the interest of the data subject and there is no reason to assume that he would withhold consent if he knew of this other purpose;
5. Particulars supplied by the data subject have to be checked because there are actual indications that they are incorrect;
6. The data can be taken from generally accessible sources or the controller may publish them, unless the data subject clearly has an overriding legitimate interest in excluding the change of purpose;

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7. There is reason to assume that the perception of the commission of the Religious Association or the credibility of its service would otherwise be prejudiced;
8. This is necessary to avoid a grave infringement of another person's rights;
9. This is necessary in order to conduct scientific research, if scientific interest in conducting the research project substantially outweighs the interest of the data subject in excluding the change of purpose, and if the research purpose cannot be attained by other means or can be attained thus only with disproportionate effort or
10. This is necessary for statistical purposes in order to fulfil the commission of the Religious Association.

(3) Processing for other purposes is not deemed to have occurred if this serves the exercise of supervisory or monitoring powers, auditing and carrying out organisational studies for the controller for archiving purposes in the interest of the Religious Association, scientific or historical research purposes or statistical purposes. This shall also apply to processing for teaching and examination purposes by the controller, unless the data subject has overriding legitimate interests.

(4) Where the processing for a purpose other than that for which the personal data have been collected is not based on the data subject's consent or on a legal regulation of the Religious Association or the State or the Union, the processing for another purpose is only permitted when it is compatible with the purpose for which the personal data were originally collected.

(5) Personal data processed exclusively for the purpose of monitoring data protection, safeguarding data or ensuring proper operation of a data processing system may be used exclusively for such purposes.

(6) Processing special categories of personal data for other purposes is only permitted if it is necessary to conduct scientific research, if the Religious Association's interest in conducting the research project substantially outweighs the interest of the data subject in excluding the change of purpose and if the research purpose cannot be attained by other means or can only be attained with disproportionate effort. In weighing up these circumstances, the scientific interest in the research project, in the context of the interests of the Religious Association, must be given special consideration.

(7) Processing special categories of personal data for the purposes stated in § 6, paragraph 2, subparagraph 7, and paragraph 3 shall comply with the obligations to maintain secrecy that apply to the persons stated in § 6, paragraph 2, subparagraph 7, and paragraph 3.

§ 5 Consent. The 'consent' of the data subject means — without prejudice to the consent already given by virtue of water baptism or by commencing the public preaching activity (Preamble, par. 5, § 14, par. 2, sentence 5 StRG) — any freely given, specific, informed and unambiguous indication of the data subject's wishes

by which he, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him.

(2) Youths who have reached the age at which they can legally choose their religious affiliation do not require approval from their legal guardians in order to give valid consent for the processing of their personal data relating to their participation in religious life.

§ 6 Processing special categories of personal data. (1) Processing special categories of personal data shall be prohibited.

(2) Paragraph 1 shall not apply in the following cases:

1. The data subject has given explicit consent to the processing of those personal data for one or more specified purposes;
2. Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of social security and social protection law insofar as it is authorised by the laws of the Religious Association or the State;
3. Processing is carried out by a structural division or agency of the Religious Association in the course of its legitimate activities and on the condition that the processing already relates solely to the members or former members of the Religious Association or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
4. Processing relates to personal data which are manifestly made public by the data subject;
5. Processing is necessary for the establishment, exercise or defence of legal claims, or for actions undertaken by committees of the Religious Association (§§ 15, 16 StRG) within their capacity;
6. Processing is necessary for reasons of substantial interest to the Religious Association, on the basis of the law of the Religious Association which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject;
7. Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of working capacity, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of the law of the Religious Association or the State, or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
8. Processing is necessary for archiving purposes in the interest of the Religious Association, scientific or historical research purposes or statistical purposes based on the law of the Religious Association or the State which shall be

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proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

(3) Personal data referred to in paragraph 2 may be processed for the purposes referred to in paragraph 2, subparagraph 7 if those data are processed by or under the responsibility of a professional who is subject to an obligation of professional secrecy under the law of the Religious Association or the State, or by another person also subject to an obligation of secrecy under the law of the Religious Association or the State.

(4) In the case of paragraph 2, suitable and specific measures must be provided to safeguard the interests of the data subject, taking into account the state of the art, the cost of implementation, the nature, scope, context and purposes of processing as well as the risks – of varying likelihood and severity – for rights and freedoms of natural persons posed by the processing.

§ 7 Transparent information, communication and modalities for the exercise of the rights of the data subject. The duty to have transparent information, communication and modalities for the exercise of the rights of the data subject conforms to the standards of the GDPR.

§ 8 Duty to provide information. (1) When data is collected directly, the right to perform the duty to provide information is guaranteed on the condition that this right can be restricted,

1. if and insofar as the data subject already has the information or issuing the information to the data subject would involve a disproportionate effort and the data subject's interest in the information is considered low based on the circumstances in the individual case, particularly because of the context in which the data were collected,
2. if and insofar as the data or the fact that they are being stored must be kept secret due to a special legal provision or on account of an overriding justified interest of a third party and for this reason the data subject's interest in the provision of information must be subordinated,
3. if providing the information would impair the establishment, exercise or defence of legal claims and the interest of the controller in the information's non-disclosure outweighs the interest of the data subject or
4. if the accomplishment of the commission of the Religious Association would be prejudiced by the disclosure.

(2) When data is collected indirectly, the right to perform the duty to provide information is guaranteed on the condition that this right can be restricted,

1. if and insofar as the data subject already has the information,
2. if and insofar as the provision of such information proves impossible or would involve a disproportionate effort; this applies in particular to processing for

archiving purposes in the interest of the Religious Association, scientific or historical research purposes or statistical purposes, or insofar as fulfilling the duty to provide information is likely to render impossible or seriously impair the achievement of the objectives of that processing. In such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including making the information publicly available,

3. if and insofar as obtaining or disclosing personal data is expressly laid down in legal provisions of the Religious Association's law to which the controller is subject and which provide appropriate measures to protect the data subject's legitimate interests,
4. if and insofar as the personal data are subject to professional secrecy, including a statutory obligation of secrecy, in accordance with State law or the law of the Religious Association and therefore must be treated confidentially,
5. if providing the information would
 - a) prejudice the proper performance of the duties of the controller or
 - b) be detrimental to the welfare of the Religious Association and for this reason the interest of the data subject in the provision of information must be subordinated, or
6. if providing the information would impair the establishment, exercise or defence of legal claims and not outweigh the interest of the data subject in obtaining the information.

(3) If no information is provided to the data subject in the case of paragraph 2, the controller shall take appropriate measures to protect the legitimate interests of the data subject. The controller shall stipulate in writing the reasons why information shall not be provided.

§ 9 Right of access by the data subject. (1) The right of access is fully guaranteed by the controller in accordance with the paragraphs that follow.

(2) Access rights pertaining to the documents of a committee (§§ 15, 16 StRG) only exist within the framework of the respective proceedings. The right to obtain a copy only exists insofar as the committee's spiritual/pastoral commission is not prejudiced or the request does not conflict with the legitimate interests of the Religious Association and third parties. Access rights are excluded for the period following the conclusion of committee proceedings since the documents are kept sealed, and the interest of the Religious Association in being able to guarantee the secrecy of these documents, in order to protect the privacy rights of all concerned, usually outweighs the individual's right of access.

(3) The data subject does not have the right to access personal data if

1. the data subject does not have to be informed in line with § 8, paragraph 1, subparagraphs 1-4 or paragraph 2, subparagraphs 5, 6 or if

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2. the data

- a) are stored merely because they may not be erased due to legal or statutory provisions regarding retention or
- b) exclusively serve purposes of data security or data protection control, providing the information would require disproportionate effort, and processing for other purposes using appropriate technical or organisational measures is excluded.

(4) The reasons for refusing to provide information shall be documented. The refusal to provide information shall be explained to the data subject unless stating the actual and legal reasons on which the decision is based would prejudice the purpose pursued by the refusal to provide information. Data stored for the purpose of providing information to the data subject, and for preparing [this provision of information], may be processed only for this purpose and for the purpose of data protection control; processing for other purposes shall be restricted in accordance with § 12.

(5) If the data subject is not informed by the controller, the information, upon request, shall be issued to the Data Protection Supervisory Authority unless the Branch Committee determines on a case-by-case basis that this would substantially affect the interests of the Religious Association.

(6) The data subject has right of access to personal data that a structural division or agency of the Religious Association has neither stored by automated means, nor by non-automated means and in a filing system, only insofar as the data subject supplies details making it possible to locate the data and the effort needed to provide the information is not out of proportion with the interest in such information expressed by the data subject.

§ 10 Right to Rectification. (1) The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

(2) There is no right to rectification if the personal data is processed for archiving purposes in the interests of the Religious Association. If the data subject disputes the accuracy of the personal data, he must be given the opportunity to make a counter-statement. The respective archive must include the counter-statement in the documentation.

§ 11 Right to erasure. (1) The data subject shall have the right to obtain from the controller the erasure of personal data concerning him without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

1. The personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

2. The data subject withdraws the consent on which the processing is based according to § 5, and there is no other legal ground for the processing;
3. The data subject objects to the processing pursuant to § 15, paragraph 1 and there are no overriding legitimate grounds for the processing;
4. The personal data have been unlawfully processed;
5. The personal data have to be erased for compliance with a legal obligation under the law of the State or the Religious Association to which respective structural division or agency of the Religious Association is subject.

(2) Where the structural division or agency of the Religious Association has made the personal data public and is obliged pursuant to paragraph 1 to erase these personal data, it shall, taking account of available technology and the cost of implementation, take reasonable steps, including technical measures, to inform controllers who are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copies or replications of those personal data.

(3) Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

1. for exercising the right of freedom of expression and information;
2. for complying with a legal obligation which requires processing by the law of the Religious Association or the State to which the respective structural division or agency of the Religious Association is subject or for the performance of a task carried out in the interest of the Religious Association or in exercising the sovereign authority vested in the respective structural division or agency of the Religious Association;
3. for reasons of public interest in the field of public health;
4. for archiving purposes in the interest of the Religious Association, scientific or historical research purposes or statistical purposes insofar as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing or
5. for establishing legal claims and exercising or defending rights.

(4) If erasure is not possible or is only possible with disproportionate effort due to the specific type of storage, the right to erasure is replaced by the right to restriction of processing pursuant to § 12. This does not apply when the personal data have been unlawfully processed. Blocking and entering a blocking notice are also considered a restriction of processing.

§ 12 Right to restriction of processing. (1) The data subject shall have the right to obtain a restriction of processing from the controller when one of the following conditions exists:

1. The accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;

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2. The processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
3. The controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment of legal claims or the exercise or defence of rights or
4. The data subject has objected to processing pursuant to § 15 and it has not yet been verified whether the legitimate grounds of the controller override those of the data subject.

(2) Where processing has been restricted under paragraph 1, such personal data shall — with the exception of their storage — only be processed with the data subject's consent or for the establishment of legal claims or the exercise or defence of rights or for the protection of the rights of another natural or legal person or for reasons of important interest to the Religious Association.

(3) A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the respective structural division or agency of the Religious Association before the restriction of processing is lifted.

(4) The rights provided for in paragraph 1 shall not exist insofar as these rights are likely to render impossible or seriously impair the achievement of the archiving purposes in the interest of the Religious Association, and the derogations are necessary for the fulfilment of those purposes.

§ 13 Duty to provide notification regarding rectification or erasure of personal data or restriction of processing. The respective structural division or agency of the Religious Association shall communicate any rectification or erasure of personal data or restriction of processing carried out to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. It shall inform the data subject about those recipients if the data subject requests.

§ 14 Right to data portability. The right to data portability is safeguarded by the respective structural division or agency of the Religious Association provided that this right shall not apply to processing necessary for the performance of a task carried out in the interest of the Religious Association or in the exercise of the sovereign authority vested in the respective structural division or agency of the Religious Association.

§ 15 Right to object. (1) At any time, the data subject shall have the right to file an objection, on grounds relating to his particular situation, regarding the processing of his personal data that is conducted on the basis of § 4, paragraph 1, subparagraphs 6 or 7.

(2) The respective structural division or agency of the Religious Association shall no longer process the personal data unless it demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the

data subject or which serve the establishment of legal claims or the exercise or defence of rights. The right to file an objection with the structural divisions and agencies of the Religious Association, insofar as they are drafted under public law in the State legal system or fulfil direct ecclesiastical purposes under the supervision of the Branch Committee, does not exist insofar as the Religious Association has a compelling interest in the processing which outweighs the interests of the data subject or a legal provision requires processing.

(3) The data subject must be explicitly notified of the right mentioned in paragraphs 1 and 2 by the time of the first communication at the latest; this notification shall be presented clearly and separately from any other information.

§ 16 Technical and organisational measures; processing. (1) Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk – of varying likelihood and severity – for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk.

(2) In assessing the appropriate level of security account shall be taken in particular of the risks that are presented by processing, in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.

(3) Measures shall be required only if the effort involved is reasonable in relation to the desired level of protection.

(4) Where processing is to be carried out on behalf of a controller, the controller shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of this Act and ensure the protection of the rights of the data subject.

(5) The processor shall not engage another processor without prior authorisation from the controller.

(6) Processing by a processor shall be governed by a contract or other legal act under the law of the Religious Association, the Union or the State, which is binding on the processor with regard to the controller.

(7) The processor and any person acting under the authority of the controller or of the processor, who has access to personal data, shall not process those data except on instructions from the controller, unless required to do so by the law of the Religious Association, the law of the Union or the law of the State.

§ 17 Records of processing activities. Each controller and processor shall maintain a written record of all processing activities under its responsibility, except in the case of the exception in § 30, paragraph 5 GDPR. This record shall be made available to the data protection officer and, on request, to the Data Protection Supervisory Authority.

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§ 18 Cooperation with the Data Protection Supervisory Authority. The controller and the processor and, where applicable, their representatives, shall cooperate, with the Data Protection Supervisory Authority, should it request, in the performance of its tasks.

§ 19 Notifying the Data Protection Supervisory Authority and communicating with the data subject. In the event of a breach in the protection of personal data, the Data Protection Supervisory Authority shall be notified or the data subject shall be informed in accordance with the standard specified in the GDPR.

§ 20 Data protection impact assessment and prior consultation. (1) Where a type of processing, in particular using new technologies and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data. A single assessment may address a set of similar processing operations that present similar high risks.

(2) The controller shall seek the advice of the data protection officer or Data Protection Supervisory Authority when carrying out a data protection impact assessment. The latter applies particularly for the event that the processing would result in a high risk in the absence of measures taken by the controller to mitigate the risk.

(3) The Data Protection Supervisory Authority should establish and make public a list of the kind of processing operations which are subject to the requirement for a data protection impact assessment pursuant to paragraph 1. The Data Protection Supervisory Authority may also establish and make public a list of the kind of processing operations for which no data protection impact assessment is required.

(4) Where processing has a legal basis in the law of the Religious Association, to which the controller is subject, this law regulates the specific processing operation or set of operations in question, and if a data protection impact assessment has already been carried out as part of a general impact assessment in the context of the adoption of that legal basis, paragraphs 1 to 3 shall not apply.

§ 21 Data protection officer. (1) The Religious Association shall appoint a data protection officer for the entire scope of application of this Act.

(2) The data protection officer, who possesses the specialised knowledge and demonstrates the reliability necessary for the performance of his duties, is appointed by the Branch Committee. The data protection officer shall not be bound by instructions while exercising his function.

(3) The data protection officer monitors compliance with the rules of this Act and other data protection regulations. His position and duties conform to the standards of the GDPR.

(4) The Religious Association shall publish the contact details of the data protection officer and communicate them to the Data Protection Supervisory Authority.

(5) Data subjects may contact the data protection officer with regard to all issues related to processing of their personal data and to the exercise of their rights under this Act.

§ 22 Transfer of personal data to structural divisions or agencies of the Worldwide Religious Association abroad. (1) Any transfer of personal data which are undergoing processing or are intended for processing after transfer to a structural division or agency of the Worldwide Religious Association abroad shall take place only if the controller and processor comply with the conditions laid down in this Act. This also applies to any onward transfers of personal data from the respective structural division or agency of the Worldwide Religious Association abroad.

(2) Transferring personal data to structural divisions or agencies of the Worldwide Religious Association abroad shall be permitted when there is an adequacy decision from the European Commission and this decision does not conflict with important interests of the Religious Association.

(3) In the absence of an adequacy decision pursuant to paragraph 2, transferring personal data to structural divisions or agencies of the Worldwide Religious Association abroad shall also be permitted if:

1. Appropriate safeguards for the protection of personal data are provided in a legally binding instrument or
2. The controller or processor, having assessed all of the circumstances involved in the transfer, can conclude that appropriate safeguards exist for the protection of personal data.

The controller and processor must document the transfer pursuant to subparagraphs 1 and 2 and inform the Data Protection Supervisory Authority of the Religious Association about the transfer pursuant to subparagraph 2.

(4) In the absence of an adequacy decision pursuant to paragraph 2 or of appropriate safeguards pursuant to paragraph 3, a transfer of personal data to structural divisions or agencies of the Worldwide Religious Association abroad shall take place only on one of the following conditions:

1. The data subject has consented to the transfer;
2. The transfer is necessary for the performance of a contract between the data subject and the controller or the processor or the implementation of pre-contractual measures taken at the data subject's request;
3. The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller or the processor and another natural or legal person;
4. The transfer is necessary for important reasons of public interest or of interest to the Religious Association;

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5. The transfer is necessary for the establishment, exercise or defence of legal claims;
6. The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent.

§ 23 Data Protection Supervisory Authority. (1) The Branch Committee shall establish its own supervisory authority for data protection in the form of an independent agency under the religious law by the name of *Datenschutzaufsicht Jehovas Zeugen* [Data Protection Supervisory Authority of Jehovah's Witnesses].

(2) The Branch Committee shall appoint a board of directors for the Data Protection Supervisory Authority. The appointment of this board of directors for the Data Protection Supervisory Authority shall last for a minimum duration of four years and a maximum duration of eight years. Repeated reappointment shall be permitted.

(3) Only one who possesses the specialised knowledge and demonstrates the reliability necessary to perform the duties can be appointed to the board of directors for the Data Protection Supervisory Authority. He must be a member of the Religious Association and hold the office of an elder. The board of directors for the Data Protection Supervisory Authority is required to fulfil its duties conscientiously and comply with the State law binding upon the Religious Association.

(4) The appointment can be revoked before the term of office has expired if the conditions in paragraph 3, sentence 1 are no longer fulfilled. At the request of the data subject, the Branch Committee can withdraw the appointment.

(5) In the course of exercising his duty, the Data Protection Supervisory Authority is not bound by instructions and is only subject to the law of the Religious Association and to the State laws binding on the Religious Association. The performance of its duties takes place in a manner that is organisationally and materially independent.

(6) In order to effectively perform its duties, appropriate personnel and resources shall be made available to the Data Protection Supervisory Authority so it can exercise its full range of powers. It is subject to audits from the *Revisionsamt Jehovas Zeugen* [Auditing Authority of Jehovah's Witnesses] insofar as this does not impair its independent status.

§ 24 Tasks and powers of the Data Protection Supervisory Authority. (1) The Data Protection Supervisory Authority monitors compliance with the rules of this Act and other data protection regulations.

(2) The structural divisions and agencies of the Religious Association are required, within the scope of its responsibility, to support the Data Protection Supervisory Authority in performing its tasks, for example, by providing answers to its questions as well as — in compliance with § 1, paragraph 8 — allowing the inspection of documents and files related to the processing of personal data and granting access to the official premises as well as permitting data protection audits.

(3) In addition, the Data Protection Supervisory Authority has the following tasks in particular within its scope of responsibility:

1. Promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing. Activities addressed specifically to minors shall receive specific attention;
2. Advise structural divisions and agencies of the Religious Association on legislative and administrative measures relating to the protection of natural persons' rights and freedoms with regard to processing;
3. Promote awareness among controllers and processors regarding their obligations under this Act;
4. Upon request, provide information to any data subject concerning the exercise of their rights under this Act and, if appropriate, cooperate with other supervisory authorities to that end;
5. Handle complaints lodged by a data subject, or by a body or organisation, and investigate, to the extent appropriate, the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable period; the Data Protection Supervisory Authority provides paper and digital sample forms to facilitate the lodging of complaints;
6. Cooperate with other supervisory authorities, including sharing information and providing mutual assistance, with a view to ensuring consistent application and enforcement of data protection;
7. Conduct investigations on the application of this Act, including on the basis of information received from another Data Protection Supervisory Authority or another public authority;
8. Monitor relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies and commercial practices;
9. If necessary, establish and maintain a list of processing types for which either a data protection impact assessment is required or not and provide advice accordingly;
10. Keep internal records of infringements of this Act and of measures taken in accordance with these infringements and
11. Fulfil any other tasks related to the protection of personal data.

(4) The Data Protection Supervisory Authority can make recommendations on how to improve data protection. Within its scope of responsibility, it can make available a sample standard contractual clause.

(5) The performance of the Data Protection Supervisory Authority's tasks shall be free of charge for the data subject. However, in the case of manifestly unfounded requests, the Data Protection Supervisory Authority can make its continued activity on a repeat application from the data subject conditional upon the payment of a

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reasonable fee based on administrative costs. The fee shall be determined subject to the approval of the Branch Committee through the Data Protection Supervisory Authority.

(6) The Data Protection Supervisory Authority shall draw up an annual report on its activities which is submitted to the Branch Committee and made available to the public. The activity report can also contain a presentation of the general developments in data protection.

§ 25 Complaints lodged by the Data Protection Supervisory Authority. (1) Before a complaint is lodged, particularly in connection with measures being ordered pursuant to paragraph 5 or 6, the controller shall be given the opportunity to comment on the facts relevant to the decision within a reasonable deadline.

(2) If the Data Protection Supervisory Authority identifies breaches of the provisions in this Act or against other data protection regulations or other defects in the processing of personal data, it shall document these. It shall lodge a complaint about the breach or defect with the controller, setting an appropriate deadline for a remedy.

(3) If the complaint is not remedied on time, the Data Protection Supervisory Authority shall inform the competent supervisory body under religious law and invite it to make a statement to the Data Protection Supervisory Authority. This statement should contain a description of the measures that have been taken as a result of complaints from the Data Protection Supervisory Authority.

(4) The Data Protection Supervisory Authority can dispense with a complaint or with a statement from the supervisory body, especially in cases where minor irregularities have meanwhile been rectified.

(5) According to paragraph 2, the complaint can contain orders to restore a lawful situation or to prevent risks to personal data. In particular, the Data Protection Supervisory Authority is authorised to order [the following]:

1. Bring processing operations into compliance with this Act within a deadline determined by the Data Protection Supervisory Authority,
2. Communicate a personal data breach to the data subject accordingly,
3. Correct or erase personal data, or restrict their processing, and notify recipients of such data accordingly,
4. Comply with the data subject's requests to exercise his rights pursuant to this Act.

The controller must implement these orders within the specified period or, in the event none is indicated, immediately.

(6) The Data Protection Supervisory Authority is authorised to impose administrative fines in addition to, or instead of the measures referred to in paragraph 5. Further details are set out in § 29.

(7) With the complaint, the Data Protection Supervisory Authority can combine proposals for rectifying irregularities and for other improvements to the data protection policy.

§ 26 Lodging a complaint with the Data Protection Supervisory Authority. (1) Without prejudice to any other remedy, every data subject shall have the right to lodge a complaint with the Data Protection Supervisory Authority if the data subject considers that the processing of personal data relating to him infringes this Act or other data protection regulations.

(2) In response to such a claim, the Data Protection Supervisory Authority examines the facts. It invites the controller, the recipient and/or third parties to make statements insofar as the substance of the claim fulfils the criteria of a data protection breach.

(3) No one may be discriminated against for turning to the Data Protection Supervisory Authority in accordance with paragraph 1.

(4) The Data Protection Supervisory Authority shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy.

§ 27 Judicial remedy against a decision of the Data Protection Supervisory Authority or against the controller or processor. (1) Without prejudice to the right to lodge a complaint with the Data Protection Supervisory Authority (§ 26), each natural or legal person shall have the right to a judicial remedy against decisions made by the Data Protection Supervisory Authority concerning him. This also applies if the Data Protection Supervisory Authority does not handle a complaint pursuant to § 26 or does not inform the data subject within three months on the progress or outcome of the complaint lodged pursuant to § 26.

(2) Without prejudice to the right to lodge a complaint with the Data Protection Supervisory Authority (§ 26), each data subject shall have the right to a judicial remedy where he considers that his rights under this Act have been infringed as a result of the processing of his personal data in non-compliance with this Act.

(3) For judicial remedies against a decision made by the Data Protection Supervisory Authority, a data controller, or a processor, the Religious Association's own religious court for matters of data protection, if established, is competent.

§ 28 Compensation, liability. (1) Any person who has suffered material or non-material damage as a result of an infringement of this regulation shall have the right to receive compensation from the controller or processor for the damage suffered.

(2) A processor shall be liable for the damage caused by processing only where it has not complied with obligations of this Act specifically directed to processors or where it has acted outside or contrary to lawful instructions of the controller.

(3) A controller or processor shall be exempt from liability under paragraph 1 if it proves that it is not in any way responsible for the event giving rise to the damage.

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(4) Where more than one controller or processor, or both a controller and a processor, are involved in the same processing and where they are, under paragraphs 2 and 3, responsible for any damage caused by processing, each controller or processor shall be held liable for the entire damage.

(5) If the data subject contributed towards the occurrence of damage, § 254 of the Civil Code must be applied accordingly.

(6) The limitation provisions stipulated for tortious acts in the Civil Code shall apply *mutatis mutandis* with regard to statutory limitation.

§ 29 Administrative fines. (1) If a controller or processor intentionally or negligently, infringes provisions in this Act, the Data Protection Supervisory Authority can impose an administrative fine.

(2) The Data Protection Supervisory Authority shall ensure that the imposition of administrative fines pursuant to these paragraphs for infringements of this Act shall be effective, proportionate and dissuasive in each individual case.

(3) No administrative fines shall be imposed on structural divisions and agencies of the Religious Association insofar as these are drafted under public law in the State legal system or fulfil direct ecclesiastical purposes under the supervision of the Branch Committee.

§ 30 Entry into force, transitional provision. (1) This Act enters into force on 24 May 2018. On the same date, the 1 April 2011 version (former version) of the Data Protection Act (DSGJZ) ceases to be in force.

(2) By way of derogation from § 23, paragraph 2, the appointment of a provisional acting board of directors is allowed for a period of up to one year following the establishment of the Data Protection Supervisory Authority.

(3) All not in the old version of the DSGJZ codified provisions of the religious law that involve dealings with personal data shall remain in force, insofar as they do not conflict with the regulation of this Act, until new regulations come into force.