

_____ Vor- und Nachname

_____ Straße und Hausnummer

_____ PLZ Ort

European Commission
Directorate-General for Justice and Consumers (DG JUST)
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Complaint under Article 258 TFEU – Systemic Lack of Independent GDPR Supervision over German Public Broadcasting

Dear Sir or Madam,

I hereby submit a formal complaint under **Article 258 TFEU** concerning a **systemic and ongoing violation of Regulation (EU) 2016/679 (GDPR)** by the Federal Republic of Germany.

The complaint concerns the **absence of effective and independent data protection supervision over German public broadcasting organisations (öffentlich-rechtlicher Rundfunk)**.

1. Scope and Structural Dimension of the Issue

Germany operates one of the largest public broadcasting systems in Europe. The issue described below does not concern a single entity, but a **broad, nationwide structure**:

- **9 regional public broadcasting authorities** within the ARD network
- **Plus ZDF and Deutschlandradio**, resulting in **at least 11 independent public-law broadcasters**
- **More than 20 television channels**, including national, regional and thematic programmes
- **Over 60 radio stations**
- **Hundreds of digital services**, including websites, streaming platforms, mobile apps, podcasts and social media channels operated under ARD, ZDF and affiliated brands

All these entities process **large volumes of personal data**, including user data, contribution administration data, tracking and analytics data, employee data and technical usage data.

Despite this scale, these broadcasters are **not subject to external supervision by independent state data protection authorities**.

2. Self-Supervision Instead of Independent Oversight

Under current German law and practice, public broadcasters claim exemption from supervision by independent supervisory authorities, invoking constitutional broadcasting freedom.

Instead, they rely on:

- internal data protection officers, or
- broadcaster-affiliated supervisory bodies

These bodies **lack institutional, financial and functional independence** and cannot be regarded as “independent supervisory authorities” within the meaning of **Articles 51 and 52 GDPR**.

This results in **systemic self-supervision** of powerful public institutions.

3. Violations of the GDPR

This situation constitutes a violation of several core GDPR provisions:

- **Articles 51 and 52 GDPR** – failure to ensure independent supervisory authorities
- **Articles 77 and 78 GDPR** – lack of effective complaint mechanisms and judicial remedies for data subjects
- **Article 85 GDPR** – disproportionate and overly broad use of the journalism exception, extending far beyond journalistic processing to administrative and technical data processing

Other Member States demonstrate that **journalistic freedom and independent data protection oversight can coexist**. Germany’s approach goes beyond what EU law permits.

4. Systemic and Member-State Responsibility

The problem is **structural**, resulting from:

- legislation adopted by the German Länder,
- long-term tolerance by federal authorities,
- failure to adapt national law despite the direct applicability of the GDPR.

Under EU law, **Germany remains fully responsible** for compliance, regardless of internal constitutional arrangements.

5. Request to the European Commission

I respectfully request the Commission to:

1. **Examine Germany's compliance with Articles 51–52, 77–78 and 85 GDPR** regarding public broadcasters;
2. **Assess the independence and effectiveness** of existing supervisory arrangements;
3. **Initiate infringement proceedings under Article 258 TFEU**, if violations are confirmed;
4. **Require Germany to establish GDPR-compliant independent supervision** over all non-journalistic data processing activities of public broadcasting organisations.

6. Concluding Remarks

Given the **size, reach and societal influence** of German public broadcasting, the absence of independent data protection oversight affects **millions of data subjects** and undermines the uniform application of EU data protection law.

I therefore kindly ask the Commission for a **thorough and formal review** of this matter.

Yours faithfully,

Ort, Datum, Unterschrift