

**Resolution of the 72<sup>nd</sup> German Data Protection Conference of the Federation  
and the Länder held in Naumburg from 26 to 27 October 2006**

**Binding rules for the use of RFID technologies**

RFID tags (Radio Frequency Identification) are more and more used in every-day life and their proliferation cannot be stopped. Already now, in both the public and in the private sector, many goods are labelled with these miniature IT-systems. In the future, it can be expected that in addition to groceries, which are already now labelled with RFID tags, also identity cards, banknotes, clothes and medicine packets will hold RFID tags. In a few years, it could, therefore, be possible that on a global level virtually all items of every day life are clearly labelled in such a way.

The large-scale introduction of goods with RFID tags harbours considerable risks for the right of informational self-determination. The RFID-identifications of the most various items can be connected with each other and with further personal data of their users as well – in general without their knowledge or intention. By this way, it will be possible to create detailed behaviour-, user- and movement profiles of the data subjects.

The conference of the Federal and Länder data protection commissioners calls on all stakeholders, who use RFID tags in their own responsibility - this concerns above all producers and users in the commercial and the service sectors - to develop and use all means to design this technology in a privacy enhancing way. In particular, they should guarantee the principles of data economy, purpose limitation, confidentiality and transparency. Also a self-commitment by producers and users of the RFID technology in the commercial and service sectors could enhance the rapid implementation of these demands.

The Federal Constitutional Court has repeatedly reminded the legislator that due to the rapid change in the area of information technology, with its inherent risk for the protection of fundamental rights, the technical developments have to be observed carefully, and in case of need, corrective action should be taken by supplementary legislation. Therefore, the specific conditions in connection with the use of the RFID

technology have to be examined by the legislator in order to find out whether adequate and legal protection mechanism covering all risks are in place. The legislator must intervene in areas showing a lack of such mechanisms. This regards in particular cases where producers and users refuse to accept a self-commitment.

For the protection of the data subjects' personal rights, the following demands should be generally respected:

- **Transparency**  
All data subjects have to be informed in detail about the employment, purpose and contents of RFID tags.
- **Mandatory labelling**  
The data subjects should be able to recognise easily not only the installed RFID tags, but also the communication procedures triggered by these tags. Any covert use is unacceptable.
- **No secret creation of profiles**  
It should only be allowed to process data contained in RFID tags of various products in a way that personal behaviour-, user- and movement profiles can only be created with the data subjects' knowledge and consent. As far as a clear identification of individual goods is no longer necessary for a certain purpose of application, one has to abstain from storing such clearly identifiable features on RFID tags.
- **Prevention of disclosure by unauthorised persons**  
Any unauthorised reading of stored data has to be prevented, for example by encryption when storing or transferring data.
- **Deactivation**  
Above all, in the commercial and service sectors, it must be possible to permanently deactivate the RFID tags or to delete the data contained in them, in particular if these data are no longer necessary for the purposes for which they were stored previously.