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535.1963
A56ID 161003
CR 169740
DD 175403

Final Decision

The Berlin DPA closes the case.

1. Facts concerning the data breach

- **Controller:** Springer Nature AG & Co KGaA
- **Incident:** 411 author data (names, partly also e-mail addresses) were inadvertently forwarded to the platform Research Square without the consent of the data subjects and partly published there. The author data of 36 of 76 research papers were published for 25 days.
- **Date of occurrence:** 11 July 2020
- **Date of acknowledgement of the incident:** 4 August 2020
- **EU/EEA Member States concerned, with the number of data subjects concerned:** Austria, United Kingdom, Germany, France, Italy, Estonia, Belgium, Netherlands, Sweden, Finland. The exact number of affected persons per country would require a recreation of the breach. For this reason, it was decided not to do so. Please find a list of the institutions concerned attached.
- **Category of data subjects:** 411 author names of scientific papers and e-mail addresses in some cases.
- **Category of the data types/data records concerned:** 80 datasets with bibliographic data of scientific papers.
- **Likely consequences of the violation of the protection of personal data:** almost none since the controller also published the data in their scientific journals that are available digitally (partly for free) and on paper for free for the scientific community through (university) libraries.

2. Description of the data breach from a technical-organizational perspective

Due to an administrative error (a faulty system configuration), 411 author data (names, partly also e-mail addresses) were forwarded to the platform Research Square and partly published there.

3. Description and analysis of the effectiveness of the measures taken to address the personal data breach or to mitigate its adverse effects (Art. 33 (3) (d) GDPR)

The controller has taken the following measures:

- corrected incorrect system configuration;

Berlin Commissioner for Data Protection and Freedom of Information

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- deactivated the publication of the data on the Research Square platform and erased all data transmitted to the platform without authorisation (the platform has an access point where controllers such as Springer can edit the data you have entered);
- developed a concept to minimize the risk of data transmissions being influenced by system configurations;
- revised quality assurance, especially for updates.

The Berlin DPA assess the measures as sufficient and effective.

4. Communication to the data subjects concerned or public communication (Art. 34(1) or Art. 34(3) (c) GDPR)

Notification of the data subjects is not mandatory, as there is no high risk. No sensitive data have been published. In addition, the names of the authors were and are intended for publication in the journals "Breast Cancer Research" and "Critical Care".

5. Technical and organisational security measures that the controller had already taken when the incident occurred, e.g. encryption (Article 34 (3) (a) GDPR)

Not applicable.

6. Subsequent measures by which the controller has ensured that a high risk to the data subjects concerned is no longer likely to materialise (Article 34 (3) (b) GDPR)

See 3.

7. Taken measures by the LSA Berlin DPA

In the light of the above-mentioned considerations, the Berlin DPA closes the case as only a limited amount of uncritical data was affected. This data was meant to be published in another place and has been published there by now.