

Corona contact data collection

Applicability of the DS-GVO data subject rights restored for Corona contact data collection

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The Hessian Commissioner for Data Protection and Freedom of Information (HBDI) has successfully campaigned for the rights of the persons concerned from the GDPR to be fully applicable again when contact data is collected for tracking and interrupting chains of infection.

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According to § 4 No. 3 of the Hessian Coronavirus Protection Ordinance (CoSchuV) in the version of June 22nd, 2021, Articles 13, 15, 18 and 20 of the GDPR did not apply to the collection of contact data.

In the case of contact data collection, which is mandatory for restaurateurs, organizers or other institutions, information obligations did not have to be fulfilled and the guests and visitors concerned could e.g. B. receive no information about the processing of their data. This exclusion of the rights of those affected was also ordered by the Corona Contact and Operating Restriction Ordinance (CoKoBeV), which was in force until June 22nd, 2021.

The HBDI has pleaded with the legislator for a deletion of § 4 No. 3 CoSchuV. In doing so, he explained that the prerequisites for restrictions under Art. 23 GDPR are not met.

The Hessian legislator has taken the requirements of the HBDI into account when revising the CoSchuV. In the current version of the CoSchuV, § 4 No. 3 CoSchuV was deleted without replacement on August 19th, 2021. The rights of data subjects according to the GDPR are no longer excluded when contact data is recorded.

The rights and freedoms of citizens with regard to their informational self-determination must not be disproportionately restricted by measures to combat the corona pandemic. Legislators and legislators must therefore continually check whether existing restrictions on data protection can still be maintained or – as in this case – the normal situation can be restored.

Further information on the restriction of the rights of data subjects can be found on the HBDI homepage under the following link:

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