

Contact details are to be treated confidentially!

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Covid-19

Contact details that are to be collected for the purpose of official traceability of chains of infection are increasingly being used by the police for the purpose of prosecuting criminal offences. The possibility of criminal prosecution authorities using this data for their own purposes is largely unrestricted by the Code of Criminal Procedure and the Federal Data Protection Act.

Corresponding data processing, insofar as it is carried out to investigate or punish criminal or administrative offenses, must comply with the principle of proportionality. However, this is always a question of the specific case and requires individual consideration, which opens up a scope for assessment and is also often based on the prior understanding of the legal practitioner.

As a result, the data actually collected for infection protection purposes, which must be provided by those affected before visiting restaurants, accommodation facilities, leisure facilities or events and concerts, is used in many cases as part of police investigations if necessary. The confidence of those affected that their data would be used to fight infection and not for other purposes is clearly called into question. The local data protection authorities are generally not able to monitor the cases in which the masses of stored data are used as a welcome help for the fulfillment of the tasks of the law enforcement authorities, as there is often a lack of knowledge about the cases of change of purpose.

Johannes Caspar, Hamburg Commissioner for Data Protection and Freedom of Information: "It is up to the federal legislator to find a solution to this unsatisfactory and legally uncertain situation. He alone can limit law enforcement access, which is regulated by federal law. The rule of law will not suffer any damage if the law enforcement authorities do not have access to the recorded data of customers, guests or other visitors for every minor offence. Legislative moderation should apply here as a matter of principle, and consideration should be given to restricting access to cases of criminal offenses that are at least of considerable importance. Otherwise, acceptance of data collection and honesty in providing names by citizens will be

undermined. Negative consequences for the actual purpose of data collection, the traceability of infection chains, are inevitable."

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