

Press release of the conference of the independent data protection supervisory authorities of the federal and state governments of April 30, 2021

101st Data Protection Conference - Data protection when using digital contact tracing services

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The 101st conference of the independent data protection supervisory authorities of the federal and state governments (DSK) met on April 28th and 29th, 2021 as a video conference, chaired by the state commissioner for data protection and freedom of information of the Saarland, Monika Grethel.

A central topic of the conference was the use of digital contact tracing systems. Insofar as the federal states oblige catering establishments, cultural institutions and other bodies to process contact and presence data of visitors, customers and guests by ordinance, a large number of providers now offer digital services for contact tracing. Therefore, the DSK has the data protection requirements for such systems and their operation in the "DSK orientation guide for developers and those responsible for the use of digital services for contact tracing on the occasion of visits to events, facilities, restaurants and shops to prevent the spread of Covid- 19" explained.

The DSK emphasizes that in the interaction between the service provider, the body responsible for collecting contact data and the health authority, the spheres of responsibility under data protection law must be clearly defined and the personal data processed in this way must be strictly earmarked. The service provider must also counteract the risk to the rights and freedoms of natural persons resulting from the scope and sensitivity of the data processed in the context of contact tracing with adequate data security measures.

Since the majority of the federal states have now decided to enter into contractual agreements with the provider of the "Luca" service, the DSK has dealt with this system again in addition to the first preliminary assessment of March 26, 2021. In its

statement, it points out that, despite the fundamentally viable conception of the Luca system, further technical protective measures to prevent risks resulting from improper use are to be regarded as necessary. The conference also emphasizes that there should be no obligation to use digital contact tracing systems.

In view of the recent functional expansion of the Corona-Warn-App (CWA), the DSK in the resolution "Use the chances of the Corona-Warn-App 2.0" emphasizes the data-saving possibilities of cluster detection and contact notification associated with the use of the CWA and appeals to the Countries to integrate the CWA into their concepts for combating pandemics and to promote their use.

Against the background of the increasing use of messenger services in the health sector, the statement "Technical data protection requirements for messenger services in the hospital sector" was also adopted. With a view to the sensitivity of the data affected in the health sector and their special need for protection, the statement presents the data protection requirements for those responsible when selecting suitable messenger services for exchanging patient-related information.

In addition, the DSK has adopted the joint document "Requirements for certification programs under data protection law", which is intended to serve as a basis for uniform application by the data protection supervisory authorities within the framework of the evaluation and examination of corresponding certification programs.

Further information on the data protection conference:

www.datenschutzkonferenz-online.de

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