

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

Press Office of the State Commissioner for Data Protection

and freedom of information

dr Stefan Brink

Lautenschlagerstrasse 20

70173 Stuttgart

www.lfdi-bw.de

Cagdas Karakurt, tel: 0711-615541-23

Email: pressestelle@lfdi.bwl.de

October 15, 2021

PRESS RELEASE

LfDI contradicts statements from the

Ministry of Social Affairs and confirmed: relaxation of the

Mask requirement for employees does not fail on

privacy

The LfDI contradicts yesterday's statements from the

Ministry for Social Affairs, Health and Integration Baden-

Württemberg, after which a possible easing of the

Mask requirement

for employees at a

"Veto" of

data protection had failed.

Rather, the LfDI advised against easing the

to only allow employees to wear masks if

when entire groups of employees collectively report their vaccination status

disclose to the employer. This allows

Employees come into conflict with each other ("We have to

working here with a mask because the colleague is/is unvaccinated

Vaccination status does not want to disclose to the boss!"), which the

question the voluntariness of disclosure.

On the possibility of individual employees, their employer

The LfDI has committed itself to disclosing the vaccination status

Connection not expressed - certainly no "veto" against

relief

for

employees

inserted.

Of the

State representative

advises

the

state government

at

draft laws and makes recommendations that

are regularly, but by no means always, taken into account.

He does not have a right of veto, nor does he need it. He trusts

on the strength of his arguments - and the willingness of the

state government to consider them.

LfDI Brink: "Of course, data protection as

fundamental right

Informational self-determination

each

citizens the right to share their vaccination status with others,

also

With

to the

Employer.

Just

in the

Employment relationship is to ensure that no

undue pressure is exerted on this decision.

For this reason, the employer is generally not allowed to

health data

its employees

ask. the

Idea, however, that data protection could be against the

Freedom of the individual, with his data according to his own

Avoiding imagination is far away.”

at

one

reasonable

participation

would have

the

State representatives can help to find solutions

as well as those vaccinated and recovered under the 2G option

Employees benefit from a relaxation of the mask requirement

can, as far as the Federal Occupational Safety and Health Ordinance

There is even room for a state corona regulation for this

leaves.

At no time did the state commissioner have that

"Argument" put forward, a relaxation of the mask requirement for

vaccinated/recovered employees are out of the question, "there

Those who were not vaccinated would then have been recognizable as such".

The Ministry of Social Affairs has been under this for well over a year

very significant requirements of the pandemic. The LfDI

advises and supports with his team since the beginning of the

Pandemic the Ministry to the best of its ability and continues

a fair dealing with each other.