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New Corona Ordinance comes into force - data protection officer points out the correct use of lists of people: "One sheet per guest" On Wednesday, May 27, 2020, the Eighth Corona Control Ordinance of Rhineland-Palatinate (8th CoBeLVO) comes into force. The state data protection officer Dieter Kugelmann points out the correct use of lists of people. "With the new regulation, further companies and facilities can open if, among other things, they record and store certain personal data of customers and guests," says Professor Kugelmann, state officer for the Data protection and freedom of information Rhineland-Palatinate (LfDI). "In any case, data protection must be observed: The retention period for the data (usually surname, first name, address, telephone number) is one month. After that, the data must be deleted, unless other statutory retention periods apply. The responsible health authority can, insofar as this is necessary under the provisions of the Infection Protection Act and the 8th CoBeLVO, request information about the contact details from the companies. Processing the data for other purposes is not permitted. The responsible health authority must delete the transmitted data immediately and irreversibly as soon as the data for task fulfillment (usually contact tracing) is no longer needed."

Professor Kugelmann goes on to say: "The display of a visible list in restaurants, for example, in which customers should register, is in any case inadmissible under data protection law. In principle, the rule applies: one sheet per guest. It is clear that the collection of data to combat of the corona pandemic plays a role. But it is just as important that the data protection regulations continue to apply. Citizens must be able to trust that there will be no misuse of data. And if this does happen, the misuse will be sanctioned." Already under the 6. CoBeLVo, which came into force about two weeks ago, certain businesses were obliged to receive guests and customers only after reservation and registration and to record certain personal data. The LfDI has already received numerous inquiries from citizens who have asked which regulations apply to the collection of contact details in restaurants, ice cream parlors or hairdressers. In the past few days, it has been reported several times that lists have been designed in such a way that they can be viewed by other customers. Those responsible for such data breakdowns have received information from the LfDI on how to proceed in accordance with data protection. In addition, those responsible for the restaurant and the other service providers must inform guests and customers in particular about data processing, the storage period and their rights (Art 13 GDPR). This can be done, for example, by clearly visible notices. The LfDI calls on the professional associations and guilds to check whether their templates for customer information meet the requirements of Art.

13 DS-GVO. The legal basis for data collection can result directly from the 8th CoBeLVO. In certain cases, a contract according to Article 6 Paragraph 1 S. 1 lit. b DS-GVO can also be the legal basis if, for example, a service provider can only offer its service due to a professional liability situation to protect the health of its employees and other customers, if the customer leaves their contact details. The hygiene concepts that are listed in § 1 Para. 8 8th CoBeLVo and that are published on the website of the state government may result in further regulations for the design of permissible data processing. The LfDI has information on data collection by service providers in the field of body care, Restaurant operators and similar businesses as well as numerous other data protection issues in connection with the fight against corona.

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