

BfDI: 3G at work would be more privacy-friendly

The Federal Commissioner for Data Protection and Freedom of Information (BfDI), Professor Ulrich Kelber, criticizes some elements of the new legal rules for checking the vaccination, convalescence or test status (3G) by employers.

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The Federal Government's preparatory work for the German Bundestag is incorrect in some places and does not include data protection-friendly regulations. My authority would have liked to have been advised at an early stage and accompanied. However, the lead ministry has refrained from doing so. The result is an unnecessary risk of data protection errors, which could lead to delays in lawsuits before the courts. That would massively damage the fight against the pandemic, said the BfDI. The BfDI expressly supports the introduction of a legal basis for 3G in the workplace, which it had already called for publicly in August: In most cases, however, it would have been sufficient to allow employers to carry out checks at all. Instead, they are now permanently obliged to monitor employees across the board and subject to fines. Nevertheless, the draft law does not provide for any protective measures for the data of the employees concerned. For example, there are no pseudonymization measures and no duty of confidentiality on the part of the inspectors towards the employer, so that the findings cannot be used inappropriately.

In the opinion of the BfDI, it would be sufficient to check employees' 3G data for access control and then delete them after entry or at the end of the day. Overall, the control of the 3G regulation could have been implemented in a much more data protection-friendly manner: I am of the opinion that this law does not generally require long-term storage of personal 3G data by employers either. A 'tick off' is sufficient for access control. For the "regular documentation" of whether the access requirements are met, it is sufficient if employers have established verifiable processes by which the 3G status of the employees is checked daily. The personal storage of sensitive health data is not necessary for this. The law also does not specify a purpose for what will soon be a very large amount of data.

However, the BfDI unreservedly welcomes one innovation: It is wise to encourage the federal states to finally make the Corona warning app the standard for contact tracing: It is faster, more resource-efficient and more data protection-friendly than all alternatives.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.