

No diagnoses in certificates for exemption from the mask requirement

No.20210310

|

03/10/2021

|

DSMV

|

datenschutz-mv.de

The State Commissioner for Data Protection and Freedom of Information Mecklenburg-Western Pomerania issued a warning today to a school that had rejected a certificate of the existence of a health restriction that exempts from the mask requirement.

The school insisted that the certificate state the exact diagnosis. However, this collection of data is not permitted.

Diagnoses are particularly protected data in data protection law and are often very personal and intimate information for those affected. It is therefore not reasonable for those affected to disclose this to third parties. "There is no legal requirement according to which a diagnosis must be stated in certificates of health restrictions that exempt from the mask requirement," says the State Commissioner for Data Protection, Heinz Müller. "If you have doubts about the authenticity of a certificate, stating the diagnosis is of little use. The cashier in the supermarket, the school management or the employer can certainly not judge better than the treating doctor whether a patient can wear a mask or not.

In order to check whether the certificate was really issued by a resident doctor and not simply printed out from dubious sources on the Internet, those responsible should better rely on information that they can verify without medical knowledge. A medical certificate must be signed by a doctor. Müller: "There is nothing against data protection law if the certificate contains information that the person concerned was examined by the issuing doctor and to what extent it should not be possible for him to wear a mask."

[Back to overview](#)