

## Pandemic and data protection

Summary of a year of pandemic - has data protection caused 70,000 deaths?

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Professor. dr In his summary after a year of pandemic, Alexander Roßnagel makes it clear that data protection does not prevent the effective fight against the pandemic, in reality data protection law allows data processing to fight the pandemic.

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In reality, data protection law allows data processing to fight a pandemic. It is permitted under the General Data Protection Regulation if it is necessary to protect "vital interests". The General Data Protection Regulation specifically mentions "epidemic surveillance" as an example of such an interest. So if vaccination, testing and contact tracing aren't working as they should, it's not the fault of privacy.

Data protection has not caused any deaths, nor has it remained unrestricted as the only fundamental right during the corona crisis, as Nida-Rümelin claims. Rather, in this special situation, the data protection supervisory authorities have shown flexibility in numerous cases in order to save lives. Data protection therefore does not stand in the way of overcoming the corona crisis. Rather, he supports them. In a Western democracy like Germany, fighting a pandemic can only be successful if the citizens trust the state institutions. A key trust factor is data protection.

How was the relationship between data protection and the fight against pandemics in the first year of the Corona crisis? In the first lockdown, many people in charge reached for the next best digital opportunity to maintain social and professional life despite the distance requirement. Privacy was not the priority. The data protection officers could not approve of many of the video conferencing systems and home office procedures used, but have tolerated them to this day, for example to enable children to continue their education even during the pandemic.

Another example of a restriction of data protection is the obligation to store your contact details in restaurants, shops, events and on buses. This deep intervention in informational self-determination is necessary for contact tracing and is constructively accompanied by data protection. The same applies to the apps, which are now to be used for contact tracing instead of the paper lists. Despite many shortcomings, this digitization step is supported by data protection. Even data processing in vaccination appointment management has not been blocked by the data protection supervisory authority, despite deficits.

The objective of the Corona-Warn-App does not stem from data protection, but from the desire of health policy to establish an additional tool to combat infections in addition to the existing resources of the health authorities. Data protection considerations only came afterwards when it came to how this was to be implemented. France, Australia and Norway have chosen a solution that stores the data of those infected centrally - with the result that these attempts have failed due to a lack of trust among potential users. In Germany, the decentralized approach, which does not reveal the identification data of the infected person, has generated trust. At least it has led to around 27 million people using the app and over 300,000 infected people warning their contacts, thereby avoiding many more infections. The data protection supervisory authorities also support a further expansion of the functions of the app.

Prof. Dr. Alexander Roßnagel on this: "We do not need to scale back data protection law. On the contrary – restricting the fundamental right to data protection would be counterproductive. During the crisis, data protection has shown flexibility and protection at the same time."

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