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After collection and use of contact data from the LUCA app by the public prosecutor's office - data protection officer initiates supervisory procedures After the state commissioner for data protection and freedom of information of Rhineland-Palatinate became aware that the public prosecutor's office in Mainz, together with the local police authority and the local health department, about the LUCA app collected and used contact data from visitors to a Mainz inn for investigative purposes, he immediately initiated supervisory proceedings. In particular, the circumstances should be clarified which, despite the clear legal situation, led to the query and use of the contact data collected exclusively for infection protection purposes, which is inadmissible under data protection law. Corresponding requests for information have already been sent.

The background is an incident from November 2021. After a 39-year-old man with severe head injuries was found in front of a Mainz inn, the responsible criminal investigation authorities asked the health department to provide the contact details recorded by the inn operator via the LUCA app at the suspected time of the crime . The health department complied with the request and transmitted the data of 21 people, which the app operator made available to the authority on request. Those affected were then contacted by the police and questioned about the incident. In the meantime, the authorities involved have admitted the inadmissibility of the data processing that took place.

"First of all, it is worrying for me that both the public prosecutor's office and the health department were obviously unaware of the legal situation in the Infection Protection Act and the related data protection regulations, which had changed some time ago, or ignored them," comments the state commissioner Prof. Dr. Kugelmann the incident. It is clear from Section 28a (4) sentence 3 of the Infection Protection Act that contact data recorded for the purpose of infection protection may only be processed for contact tracing and that data use for other purposes is not permitted. "The procedure shakes the trust of citizens in the legality of state action and is sending the completely wrong signal, especially in times of a pandemic that is challenging society as a whole." Kugelmann announced that after clarifying the facts, he would examine the exercise of all the powers available to him under data protection law .

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