

press release

New "Corona Regulation"

Notes from the TLfDI on

Registration of guests in restaurants

Erfurt, June 18, 2020

On June 9, 2020, the Thuringian Ministry of Labour, Social Affairs, Health, Women and Family (TMASGFF) the Thuringian Ordinance to Contain spread of the coronavirus SARS-CoV-2, which came into force on June 13, 2020 kicked.

The regulation stipulates, among other things, that restaurant operators must provide the contact details of their guests need to register. The aim and purpose of this regulation is to protect infected persons and ways of infection as early as possible in order to prevent further spread to prevent or contain the spread of the coronavirus.

Since the TLfDI received numerous complaints, particularly from guests of guest non-profit businesses are available, the TLfDI points out with reference to its press releases notification of May 19, 2020 again to the following data protection regulations there:

The General Data Protection Regulation applies to keeping the required "guest lists". (DS-GVO), i.e. every guest who is asked to provide their contact details must provide complete information in accordance with Art. 13 GDPR will. Depending on the circumstances, this can be a clearly visible notice in the restaurant or by means of a corresponding leaflet that is given to the guest becomes. On the other requirements of Art. 13 GDPR please refer:

https://www.datenschutzkonferenz-online.de/media/kp/dsk_kpnr_10.pdf

The storage period specified in the regulation is 4 weeks. After that have to

the data will be completely deleted immediately. The specific purpose of collected guest data according to art. 5 para. 1 letter b) DS-GVO is in § 3 para. 4 sentence 4 of the regulation: "The contact details may only be used for infectious processed for intellectual property purposes; further processing to others purposes, in particular for advertising and marketing purposes, is not permitted."

Postal address :

*The specified email address is only used to receive simple messages without signature/encryption and for messages encrypted with PGP.

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The guest data collected must be processed in such a way that third parties cannot Have insight into the data already recorded by other guests. In this respect, it is often used related word guest-"lists" misleadingly. Because the innkeeper should, for data protection reasons, not keep a list in which one after the other enter all guests. This would be a breach of privacy, as so everyone guest would see the data of the other guests. Therefore, individual "reporting sheets" should ter" can be used. The registration sheets can be collected daily in a folder and this folder is closed after the 4-week retention period has expired. be destroyed.

During this time, the registration forms must be kept safe and locked.

You may not only temporarily z. B. be placed behind the counter, where they are exposed to possible access by unauthorized persons.

Destruction by shredding must be done in such a way that the individual parts are not more readable or recomposable. Under no circumstances shall a "destruction" of registration forms by simply throwing them in the dustbin!

To protect data protection, the TLfDI recommends that the guest lists or registration paper form, as apps, clouds or similar increase the risk of data loss, hacking etc. and also entail additional difficulties, such as the conclusion of an order processing contract and the takeover responsibility for technical security.

The use of the Corona-Warn-App by guests may under no circumstances be made so that guests are allowed to enter a restaurant.

dr Lutz Hasse

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and freedom of information

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