

press release

Opinion of the data protection conference

Contact tracing apps including Luca

Erfurt, March 29, 2021

The Thuringian state commissioner for data protection and freedom of information

(TLfDI), Dr. Lutz Hasse, would like to thank you today for the attached press release

of the conference of data protection officers of the federal and state governments:

"Opinion of the Conference of Independents

Data protection supervisory authorities of the federal and state governments from March 26th, 2021

Contact tracing in times of the corona pandemic

Practical solutions with a high level of protection of personal data

associate

Various companies now offer digital solutions for processing the

contact details of customers, guests or event participants. The app "luca"

of the company culture4life GmbH has in recent weeks

special media

experienced interest. Culture4life has several

Supervisory authorities asked for a data protection vote on the solution.

In addition, some countries and counties have expressed an intention to use this app

to introduce and then a connection to the respective health authorities

to manufacture.

The conference of the independent data protection supervisory authorities of the federal and

Countries (DSK) expressly points out that digital processes for processing

of contact and attendance data must be operated in accordance with data protection regulations.

In order to provide nationwide uniform data-saving digital infection tracking

enable, however, there is a lack of legal regulations so far. For this should

nationwide standard-clear specifications for digital contact tracing

be created.

The digitization of contact tracing not only allows the work of

To make health authorities more efficient and organizers

to facilitate compliance with their documentation obligations. You can also in

lead to positive effects in terms of data protection: A digital survey and

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Storage can with appropriate

technical design by a

suitable state-of-the-art encryption including one

suitable secure key management compared to paper forms

Better protection of contact data against unauthorized access and misuse

guarantee. Ideally, the data should be encrypted in an end-to-end manner

that the operator of the contact tracing system does not read them either

can. A good contact tracing system also automatically provides the

timely and data protection-compliant data deletion. Another benefit will be achieved when the system is used by its users or the Event organizers as a way to securely transmit data that makes available as soon as the health department has the data for contact tracing needed. The often practiced transmission by e-mail or fax can then be minimized. Finally, data subjects can immediately use the app to be notified if after attending a facility or event a risk of infection becomes known. This notification also takes place in an ideal manner so that system operators and organizers and their service providers do not draw conclusions about the behavior of individuals, their presence at events or their state of health.

A clear distribution of data protection responsibility for processing of personal data is a basic requirement for a data protection compliant Procedure. In addition, the granting of data subject rights must be transparent and be clearly regulated and the voluntary participation in a digital Collection to be ensured. As with the paper-based survey, the strict earmarking specified in the Infection Protection Act, according to which a use of contact and attendance data for purposes other than that for which the data was collected is prohibited. This must be carried out by the system operators and technical and organizational measures are secured.

According to DSK's current knowledge, culture4life GmbH has the advantages mentioned above have been realized and some of the risks identified so far have been dealt with. Nevertheless, the DSK calls on the company to make further adjustments to the system to further increase the protection of the participants.

According to the current design of the Luca system, the Contact tracing system collects data in one place saved. So there will be a lot of information about the presence there by citizens in institutions of all kinds and about their Participation in events of all kinds. The unauthorized Depending on the scope, insight into this large database can be difficult detriment to individuals and the community. Because of this The members of the DSK will discuss risks with the operator of the Luca system, to what extent with a decentralized storage, which the DSK in principle for is considered preferable, the technical concerns of pandemic control and the legal requirements to the same extent and with the same efficiency can be complied with.

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one

the organizer with

The developers of the Luca system countered the need for central storage inherent risk due to the encryption of the stored data. After this

Encryption concept must

any

health department to decrypt the data. The DSK welcomes

the implementation of an encryption in principle. However, all have

Health authorities use the same key to decrypt contact data.

Their administration is in one hand, that of culture4life GmbH. That contains that

avoidable risk of spying on or misusing these keys

unauthorized access to a large number of the data managed centrally by the system

can be accessed. It's the same for the organizers

difficult to verify that a request for decryption is legitimate,

so that they could be tricked into providing data without a legitimate request

decrypt. A successful attack on the systems of culture4life GmbH can

therefore jeopardize the safety of the entire system.

The announced disclosure of the source code of the provided apps, the

Web applications and the centrally operated services will be reviewed by

enable independent third parties. The recently reported malfunction in the

Call number verification underlines, however, that a systematic

Checking for compliance with basic safety principles

for the

Programming of Internet services must be done. The DSK emphasizes that for central

operated services such as the Luca system provide systematic proof of security

of the system is essential and required by the GDPR.

In general, the responsible data protection supervisory authorities will work with the providers

digital solutions for pandemic-related contact tracing

stick to trustworthy, low-risk, and privacy-compliant practices

ensure that they meet the technical needs of the health authorities.

The DSK will also be an independent guide for all operators

such contact tracing systems with general requirements for digital

Develop contact tracking and publish at short notice. The DSK demands the

Legislators at state and federal level, nationwide legal

To create regulations for digital contact tracing. It is also closed

check,

the

Contact tracing achieved as part of the current fight against the pandemic

can be."

more data-efficient

to what extent

procedure

the

target

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and freedom of information

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