

Bavarian State Office for  
data protection supervision

Ansbach, May 25, 2020

press release

Corona pandemic: Aspects of data protection law

Collection of contact data in gastronomy in Bavaria

Since May 18, 2020, catering establishments in Bavaria have had to track infectious

collect contact details from guests because of the novel coronavirus SARS-CoV-2. That

Bavarian State Office for Data Protection Supervision provides information on data protection-compliant

implementation of this obligation and provides a sample form including data protection

informational text available.

In Bavaria, catering establishments have been allowed to open their outdoor areas (e.g. beer gardens) again since May 18th, 2020.

and since May 25th, 2020 the interior areas have also been open to guests. For reasons of health protection to track infection routes of the novel coronavirus SARS-CoV-2, the operators must

About collect certain personal information from guests and them for a period of one month

store. This is laid down in the so-called hygiene concept - gastronomy of the Bavarian state ministries

for health and care as well as for economy, regional development and energy, to which the Fourth Baye  
ric Infection Protection Measures Ordinance.

The name and contact details (telephone number or e-mail address or postal  
address) and the period of your stay. It is sufficient for tracking infection chains

From a data protection point of view, in cases where several people live in the same household  
who visit the restaurant together, only one person in this household gives their contact details.

This is how we understand the formulations in the above-mentioned hygiene concept in an overall view. The capture  
the data of all guests is therefore not required under data protection law and is instead assigned to one person  
limit per household.

The data may only be used at the request of the responsible health authority for the purpose of

Tracking of infection chains are passed on there. A use for other purposes

cke - for example for advertising purposes by the catering business - is not permitted under data protection law.

After one month, the data must be destroyed in accordance with data protection regulations; a commercially available

A conventional document shredder with security level 3/4 (according to DIN 66399) is sufficient for this.

The inclusion of the data in consecutive lists, where the guests the data of the pre-entered

People can see, contradicts the data protection principle of confidentiality

and would therefore not be permitted under data protection law; there would even be a risk that data

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being photographed. We have already received initial complaints about individual restaurants about such a

achieved. It is therefore much better to record the data using individual forms. we

provide a template for this purpose (see link below). Alternatively conceivable would be the

the data is entered into a list by an employee who maintains the list and

ensures that the guests cannot see the list.

The completed forms must not be lying around openly on the counter and should be handed in at the end of the day. They should be kept securely locked during the working day.

When collecting data, the establishments must inform guests about the purposes of data processing, storage of data, the security of data and about your data protection rights - for example to information. The Bavarian

State Office for Data Protection Supervision provides a template for a form for data collection including information on data protection law on its homepage

[www.lida.bayern.de/corona\\_gastronomie\\_muster](http://www.lida.bayern.de/corona_gastronomie_muster)

to disposal. Restaurateurs can download and use this form. It exists of course

no obligation to use this template for the issuance of data protection information;

Alternatively, you can also use information text you have created yourself, provided that it is all in accordance with Art.

13 GDPR contains mandatory information.

Michael Will

president