

Statement of the Conference of Independent Data Protection Authorities

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

connect

Various companies now offer digital solutions for processing

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

"luca" from the company culture4life GmbH has done so 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 storage can, with the 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 provides automation

the timely and data protection compliant data deletion. Another advantage

is achieved when the system provides its users or the

Event organizers a way to securely transmit data

to the

Disposal

puts

as soon

the health department

the data

to the

Contact tracing required. The frequently practiced transmission by e-mail

or Fax can then be minimized. Finally, data subjects can

be informed immediately via app if after a visit to a facility

or even a risk of infection becomes known. Also this notification

takes place in an ideal way in such a way that system operators and organizers as well as their

Service providers no conclusions about the behavior of individuals, their

attendance at events or their state of health.

A clear distribution of data protection responsibility for processing

the

personal

Data

is

basic requirement

for

a

data protection-compliant procedure. In addition, the granting of

Affected rights must be regulated transparently and clearly and the voluntariness of the

Participation in a digital survey must be ensured. Also applies as with the

paper-based survey the strictness specified in the Infection Protection Act

Purpose limitation, according to which use of the contact and presence data is permitted

any purpose other than contact tracing is prohibited. This must be from the

System operators protected by technical and organizational measures

become.

According to DSK's current knowledge, culture4life GmbH has the

benefits mentioned above and some of the risks identified so far

treated. Nevertheless, the DSK calls on the company to make further adjustments

to the system in order to further protect the participants

increase.

According to the current design of the Luca system, the

Contact tracing system collects data in one place

saved. So there will be a large amount of information about the

Presence of citizens in institutions of all kinds and

about their participation in events of all kinds. The

Unauthorized access to this large database can, depending on the scope, lead to a

cause serious harm to individuals and communities. Because of

of this risk, the members of the DSK agree with the operator of the Luca system

discuss the extent to which decentralized storage, which the DSK in principle supports 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.

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

The organizer must use the encryption concept any one

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 Verification of compliance with basic security 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 of digital solutions for pandemic-related contact tracing to ensure that they stick to trustworthy, low-risk, and privacy-compliant practices and ensure that they meet the technical needs of the health authorities.

The DSK will also be an independent guide for all operators of 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

test,

to what extent

more data-efficient

Proceedings

the

Goal

the

Contact tracing achieved as part of the current fight against the pandemic can be.