

Press release of the conference of the independent data protection supervisory authorities of the federal and state governments of March 31, 2021

Create legal regulations for the processing of pandemic-related health data by the private sector

No.20210331

|

04/09/2021

|

DSMV

|

datenschutz-mv.de

In the context of the current discussion about possible opening steps, the question of whether the use of various private-sector offers can be linked to proof of a vaccination, a survived infection or a negative test result is of central importance.

The conference of the independent data protection supervisory authorities of the federal and state governments (data protection conference) considers it essential that the requirements for such data processing, for example in the context of event and restaurant visits or in the context of employment, are regulated by the legislator.

Without such a legal regulation, consent can be considered as a legal basis, but its effectiveness must be measured by whether it was given voluntarily. Individual case-related considerations with regard to the effectiveness of the consent can be complex and associated with great legal uncertainty.

With today's resolution, the data protection conference is therefore calling on the legislator to act as quickly as possible and to create a legal basis that meets the strict requirements of Article 9 Paragraph 2 of the General Data Protection Regulation when processing health data.

Further information on the data protection conference: www.datenschutzkonferenz-online.de Contact: Independent Data

Protection Center Saarland Fritz-Dobisch-Strasse 1266111 Saarbrücken Email: medien@datenschutz.saarland.de

[Back to overview](#)