

Opinion of the National Commission for Data Protection relating to
to the consultation debate on the analysis of the advisability of introducing a
sectoral or universal vaccination obligation

Deliberation n°1/AV1/2022 of January 17, 2022

In accordance with article 57, paragraph 1, letter (c) of regulation (EU) n°2016/679 of 27 April
2016 on the protection of natural persons with regard to the processing of personal data
personal character and on the free movement of such data, and repealing Directive 95/46/EC
(General Data Protection Regulation) (hereinafter the "GDPR"), to which refers
article 7 of the law of 1 August 2018 on the organization of the National Commission for the
data protection and the general data protection regime, the Commission
National Commission for Data Protection (hereinafter referred to as the "National Commission" or the
"CNPD") "advises, in accordance with the law of the Member State, the national parliament, the
government and other institutions and organizations regarding legislative measures and
administrative measures relating to the protection of the rights and freedoms of natural persons with regard to
of treatment".

By letter dated 13 January 2022, the Minister of Justice invited the Commission
national authority to comment on the summary note relating to the consultation debate on the analysis
the advisability of introducing a sectoral or universal vaccination obligation.

This briefing note was written by the services of the Ministries of Justice, Health,
of State, Foreign and European Affairs and representatives of the judicial authorities at the
request of the Prime Minister, in order to allow the Deputies to take
knowledge of the factual and legal elements related to the question of the introduction of a
vaccination obligation (sectoral or general).

The authors of the summary note list a series of questions to be answered in the hypothesis
the introduction of compulsory vaccination for the purpose of combating the Covid-19 pandemic
is justified. Indeed, in this hypothesis, "it will be necessary to determine its framework, in particular its

scope, sanctions and control mechanism, enforcement procedure

and data processing”.

In this respect, the National Commission notes with satisfaction that attention has been paid to the

data processing issues. Indeed, she understands that the implementation

practice of such a vaccination obligation, whether sectoral or universal, will lead to

inevitably processing of personal data, and more particularly of

special categories of personal data (within the meaning of Article 9 of the GDPR), both

1 Page 7 of the summary document.

Opinion of the National Commission for Data Protection relating to the debate on

consultation on the analysis of the advisability of introducing a vaccination obligation

sectoral or universal

1/2

at the level of the invitations to be sent, that of the follow-up of the vaccination status of the persons concerned,

or even the management of the sanctions associated with it. In this case, it would be

therefore necessary to strictly supervise the processing of data in compliance with the GDPR and

of all the applicable legislation on the protection of personal data

personal.

However, at this stage and in the absence of a preliminary draft or bill or Grand-Ducal regulation, the

CNPD is unable to identify more specific questions to which it could already

to contribute. However, it remains at the disposal of the Chamber of Deputies or the Government.

in the event that such a preliminary project or project should see the light of day. In accordance with article 57,

paragraph 1, letter (c) cited above of the GDPR, its mission would be to notify such texts,

insofar as they relate to issues relating to the protection of the rights and freedoms

natural persons with regard to the processing of personal data.

Thus decided in Belvaux on January 17, 2022.

The National Data Protection Commission

Tine A. Larsen

President

Thierry Lallemand

Commissioner

Alain Hermann

Commissioner

Marc Lemmer

Commissioner

Opinion of the National Commission for Data Protection relating to the debate on
consultation on the analysis of the advisability of introducing a vaccination obligation
sectoral or universal

2/2