

Press release from the State Commissioner for Data Protection and Freedom of Information Mecklenburg-West Pomerania

State data protection officer and IHK Neubrandenburg criticize the long storage of corona test results

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The State Commissioner for Data Protection and Freedom of Information M-V and the IHK Neubrandenburg for eastern Mecklenburg-Western Pomerania are calling for a revision of the Corona State Ordinance M-V (Corona-LVO M-V). According to the applicable regulations, customers must show a negative corona test when making appointments or using certain services, such as a massage or a visit to the hairdresser, or take a quick test in the presence of the service provider. According to data protection officer Heinz Müller, this regulation is unobjectionable in terms of fighting the pandemic and in terms of data protection law. However, the Corona-LVO M-V obliges the result of a quick test carried out on site to be documented and stored for at least four weeks - although the result of this quick test should only be usable once for the use of the service by the respective service provider. This storage requirement goes too far.

"I cannot understand what purpose the storage is supposed to serve in the fight against a pandemic. Customers with a negative quick test can use the service, customers with a positive quick test have to be sent home," explains Müller. He fears that the documentation of the tests is intended to punish violations of the test obligation or misconduct in connection with a positive rapid test. "This unreasonable storage puts companies and citizens under general suspicion," complains Müller.

Torsten Haasch, General Manager of the IHK Neubrandenburg for eastern Mecklenburg-Western Pomerania, agrees with this criticism: "In this way, the entrepreneur is forced to keep sensitive health data with him in addition to the contact details, which he has to keep available for four weeks anyway. What kind of infectiological benefit should be behind it? We want test results to be made available digitally via apps," Haasch continues. "Long retention periods make acceptance and data protection difficult."

Heinz Müller also sees further problems for the already stressed companies. “The data protection requirements for the proper storage and storage of health data are high. They pose additional challenges, especially for small companies that do not otherwise store any sensitive data,” explains Müller. He also complains that test certificates have to be stored for at least four weeks, although they are only supposed to be valid for 24 hours. Although the European General Data Protection Regulation requires the specification of a maximum storage period, as is also provided for the storage of contact data, four weeks is too long.

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