

07/22/2020

Police should only access Corona guest lists with a court order - Kugelmann: There must be a high hurdle

Reports are accumulating nationwide that police officers are accessing Corona guest lists. From the point of view of the state data protection officer Dieter Kugelmann, there should be a high hurdle for the release of the corresponding data. Professor Kugelmann, the state officer for data protection and freedom of information in Rhineland-Palatinate (LfDI), explains: "The guest and customer lists are used for the purpose of tracking infections with COVID-19. If the police now want to access the data collected in restaurants, pubs, cafes and other establishments, they should get a court order. Then there will be clarity for everyone involved: the police have something in their hands. The landlady knows that the publication was ordered by an independent authority and can represent the publication to the guests with a clear conscience." Kugelmann says: "It is undisputed that the lists can be helpful for the work of the police. But who sitting in the beer garden is not allowed later by the police due to the entry in a Corona-Gästeliste be questioned when it comes to clarifying an administrative offence, minor damage to property or illegal parking in the vicinity. The personal data that someone has provided when staying in a restaurant usually provides information about their leisure time activities. In places of communication, exchange and leisure activities, privacy is particularly worthy of protection within the framework of the right to informational self-determination. So it cannot be that the police want to find witnesses to petty crime as easily as possible via guest lists. If such a practice were to become established, many people would no longer see the need to put their correct data on the lists. The situation could be assessed differently when it comes to investigations into serious crimes such as murder or manslaughter, i.e. cases in which a judicial decision should also be obtained quickly and easily." Kugelmann confirms: "From a data protection point of view, there should be a high hurdle for handing over the lists to the police. The exception must not become the rule. Guest lists have been made mandatory to contain and fight the pandemic. If the police really need you for their work, then a judicial decision offers legal certainty." Background: The contact details of the visitors to the restaurant are collected and stored by the restaurant companies, among other things. This is done for the purpose of contacting the health authorities in the event of an infection to be able to name possible contact persons. For this purpose, the catering establishments should keep this data for one month and then delete it. In principle, the data should not be used in accordance with Section 7 (2) sentence 1 in conjunction with Section 1 (8) of the 10th Corona Control Ordinance (10th CoBeVO). may be processed for another purpose.

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