"Luca" with a fundamentally viable concept, but further protective measures are necessary

Contact tracing systems

The State Commissioner for Data Protection (LfD) Lower Saxony, Barbara Thiel, certifies that the "Luca" app has a fundamentally viable technical architecture for digital contact tracing. At the same time, however, Thiel points out that further technical protective measures are necessary to prevent misuse of the system. The conference of the independent data protection supervisory authorities of the federal and state governments (data protection conference) decided on a corresponding statement on April 29, 2021.

"With the data protection conference, I support the development and data protection-compliant use of digital systems for contact tracing. They make it easier for organizers to fulfill their documentation obligations and can speed up contact tracing by the health authorities," says Thiel. "In addition, compared to written lists, they can offer the advantage that the organizers do not know the names or other information about their guests and that this information is protected by encryption." In addition to its opinion, the data protection conference has published guidance on digital contact tracing systems, which explains the data protection requirements for these systems.

Numerous federal states, including Lower Saxony, have decided to acquire licenses for "Luca". As a result, the app has become the subject of various investigations by the data protection supervisory authorities. These have shown that the system basically has a viable concept. Nevertheless, risks that may arise from misuse make further technical protective measures necessary.

For example, it is necessary for culture4life GmbH, which offers the app, to implement technical remedial measures to prevent misuse through fake identities. culture4life has already announced this to the supervisory authorities.

In addition, when printed QR codes are posted, mass misuse of entries in the system can occur without the person making the entry actually being at the specified location. This can overload health authorities with data that is useless for contact tracing. It must therefore be ensured that the health authorities can identify abusive entries.

The central data management of the system entails further risks, which cannot all be completely eliminated by the two-stage encryption mechanisms used. A qualified attack against the service's central IT systems could, in the worst case, result in the attackers being able to decrypt and divert large amounts of data on the presence of people at events.

culture4life GmbH has defined several steps for improvements in a work plan. The Data Protection Conference recognizes

these efforts and the company's willingness to cooperate and expects that the work plan will be implemented quickly, yet carefully.

The Lower Saxony Ministry of the Interior (MI) has now asked the state data protection officer for advice on using "Luca" in accordance with data protection regulations. "I welcome the fact that the state government is including my authority in this process and will be happy to comply with the request," says Barbara Thiel. "At the same time, I would advise not just focusing on 'Luca', but also looking at other systems." you can also use alternatives or continue to record the contact details in paper form.

In a resolution, the data protection conference also recommends using the opportunities offered by the Corona-Warn-App 2.0 to notify potentially infected people and to identify clusters. Since updating to version 2.0, the app has a registration function for places where many people gather. Even if - unlike other apps - no personal data can be collected and later transmitted to the health authorities, the pseudonymised cluster detection can make a significant contribution to interrupting infection chains.

Further information

Statement of the data protection conference on contact tracking systems - in particular on "Luca" from culture4life GmbH

Resolution of the data protection conference: Use the opportunities of the Corona-Warn-App 2.0

Guidance: Use of digital services for contact tracing when visiting events, facilities, restaurants and shops to prevent the spread of Covid-19

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