

Treat contact details in restaurants confidential!

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Covid-19

For around three months now, restaurants and cafés as well as other commercial establishments have been obliged to collect the contact details of their guests. However, there is still a lot of uncertainty as to how this can be done in practice without violating the data protection rights of visitors. Although the Hamburg SARS-CoV-2 Containment Ordinance expressly requires that unauthorized third parties should not be able to gain knowledge of the contact details, this is still the case far too often. Almost every day, the Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) receives complaints from citizens about restaurants with open, freely accessible contact lists. There are also reports of phone numbers being misused for flirt messages or similar private purposes.

In order to sensitize innkeepers, the HmbBfDI randomly visited 100 commercial and restaurant businesses in June and checked the implementation of the contact data collection. The employees of the HmbBfDI focused on advising and raising awareness of those responsible on site in the implementation of contact data processing according to the rules of the General Data Protection Regulation (GDPR). In one third of the cases, inadmissible open lists were found ([detailed report here](#)). The restaurateurs were informed of the inadmissibility at the time. In addition, the practical dangers that can arise from misuse of the openly visible telephone numbers were explained. The employees also have detailed information material including a sample form (PDF). The HmbBfDI had explicitly stated at the time that sanctions were not to be feared in this first step, since the industry was already suffering severe disadvantages due to the pandemic.

Follow-up checks have now been carried out where open lists in violation of data protection were found in June. These have shown that the vast majority of restaurants have happily followed the advice on the legal situation and successfully changed practice. However, the same grievances persisted in four restaurants. After the first sample campaign was primarily aimed at providing advice and raising awareness of the new legal requirements, intervention with the means of the supervisory

authorities is now required. The considerable economic difficulties in the catering industry caused by the pandemic do not justify continuing to publicly display the addresses and telephone numbers of hundreds or even thousands of visitors after being addressed directly by the data protection authority. Fine proceedings are therefore now being initiated against the affected companies.

Johannes Caspar, Hamburg's representative for data protection and freedom of information: "Our review has shown that about one seventh of the companies still record contact details incorrectly, even after being contacted by the authorities. The restaurant operators concerned were unable to plausibly explain why the data protection-compliant implementation failed. Regrettably, the companies did not show themselves to be insightful in the follow-up inspection either. In this context, I appeal to all bodies that are obliged to collect contact details under the CoV-2 Containment Ordinance: Please treat the contact details confidentially. The rules on data protection are not non-binding recommendations. They must be observed to protect customers and guests. This should be in the interests of all responsible bodies, not least to avoid fines that could be imposed in the event of violations. If you have any questions about the treatment of contact data, visit our information pages or ask directly."

Information on contact details can be found [here](#).

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