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No publication of corona infection numbers at local community level - court confirms opinion of the state data protection officer

Since the beginning of the corona pandemic, the state officer for data protection and freedom of information (LfDI) Rhineland-Palatinate has received several inquiries on the question of whether municipalities should increase the number of corona infections in Local churches may publish, or must publish on request. Now the Neustadt a.d.W. the LfDI's view on this is confirmed. The LfDI is of the opinion that infection figures at the municipal level should only be published at the city and associated municipality level as the lowest regional classification level. Professor Dieter Kugelmann says: "There is no doubt that the public has a legitimate interest in information about the infection numbers - even after the publication of regional case numbers. Corresponding numbers create transparency and can promote the acceptance of official measures. However, there is a risk that if infection numbers are reported on a small regional basis It is possible to draw conclusions about individual, infected people. This must be taken into account, especially in Rhineland-Palatinate with its nationwide unique number of small and very small local communities." Kugelmann emphasizes: "Experience has shown that information on cases in the population leads to assumptions and speculation about possible victims. Identification or presumed identification can occur, so that there is a risk of stigmatization or discrimination of those affected. From our point of view, municipalities should therefore only announce how many people in cities and associated communities are infected with the corona virus." The Neustadt Administrative Court has now ruled in a dispute in line with the argumentation of the LfDI. In a decision (AZ: 5 L 930/20.NW), the court rejected an urgent application from an applicant. The chamber sees "a considerable risk that the publication of the infection numbers at the local community level will lead to the persons affected being able to be identified. The main reason for this is the extremely small-scale community structure, especially in the Southwest Palatinate district". Some of the local communities concerned had fewer than 200 inhabitants, and one local community even had fewer than 100 inhabitants. The resolution also states that it is obvious "that in various local communities - so far - only individual cases have been affected or possibly no case has been registered at the moment. In view of such low numbers of infections, it is not only probable that infected people in the small-scale Communities can be determined, in particular through exchanges in social networks, but that this option is actually used. The development to date since the outbreak of the pandemic has shown, for example, that in the course of the increasingly tense political discussion about the right way to deal with an attempt was

made to speculate, based on statistics, whether infected or quarantined individuals, individual families or even certain groups - possibly wrongly - did not adhere to the prescribed or recommended precautionary measures". Further information: FAQs of the LfDI on Da tenschutz and Corona, including the publication of information on cases of infection Press release from the Administrative Court of Neustadt an der Weinstraße

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