

Ďuriš Nicholsonová
Member of the European Parliament

by e-mail only

Ref: OUT2020-0030

Dear Ms Ďuriš Nicholsonová, Dear Mr Jurzyca,

I would like to thank you for your letter dated 23 March 2020 with regard to the need for common guidance on the application of the General Data Protection Regulation (GDPR), and other relevant legal instruments of the EU in matters of data protection, in the fight against the COVID-19 pandemics.

As a preliminary remark, let me emphasise that the EDPB is extremely concerned about this emergency, and is fully committed to do whatever falls within the remit of its mandate and powers to help Member States reduce the virus spread.

The EDPB is aware that the COVID-19 outbreak is raising numerous questions concerning data protection and privacy issues, especially in the context of national Governments and private actors turning towards the use of data driven solutions to help fight the spread of the disease.

In this context, I would like to highlight that data protection laws already take into account data processing operations necessary to contribute to the fight against an epidemic. Therefore, there is no need to lift GDPR provisions but just to observe them. The EDPB has already issued guidance on data protection and privacy issues in this current crisis¹, as have many of its Members. What public health authorities in the Member States are allowed to do depends on the tasks assigned to them by law. Similarly, what employers can do concerning their own staff depends largely on national labour laws. Notwithstanding any potential difference in these sector specific laws, **as regards data protection matters, the EDPB has already published guidelines on the issues of geolocation and other tracing tools², as well as the processing of health data for research purposes³ in the context of the COVID-19 outbreak.**

There are initiatives for apps and tools for voluntary self-tracking. A large variety of solutions are being developed. The EDPB has followed closely these developments and has already provided guidance on geolocation and other tracing tools for this purpose, as already mentioned. The national supervisory authorities are also closely following the issue at national level.

It is of the utmost importance **to preserve data protection principles even, and more importantly, in this difficult situation.** The data protection principles (including lawfulness, transparency, fairness, purpose limitation, data minimisation, accuracy, storage limitation and security) not only guarantee

¹ [Statement of the EDPB chair of 16 March 2020](#), [Statement of the EDPB of 19 March 2020](#), Letter to the European Commission of 15 April 2020

² [Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak.](#)

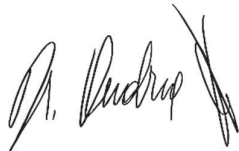
³ [Guidelines 03/2020 on the processing of data concerning health for the purpose of scientific research in the context of the COVID-19 outbreak.](#)

the protection of fundamental rights of our citizens, in line with our common European values and democracies, but also create trust in the governments who are looking into post-confinement data driven measures.

Finally, on the topic on additional legislative measures, should they be considered by Member States or at EU level, the **EDPB and its Members stand of course ready to provide advice to the legislators**, in line with articles 70 and 57 GDPR. Several Supervisory authorities are already in contact with the stakeholders looking into data-driven approaches.

To conclude, maintaining transparency, data quality and trust is key for complying with the EU legal framework on data protection. They are also a key element of public acceptance of any measures enacted by governments and the take-up of initiatives proposed by private entities on a voluntary basis. Data protection rules ensure, among others, transparency, data quality and trust in a time where it is much needed in order for citizens to support the use of technology to fight the spread of the disease.

Yours sincerely,



Andrea Jelinek