



PRIVACY TICKER

1. Update: Overview on Official Recommendations on Privacy Compliant Steps concerning the Coronavirus

Steps to detect and prevent infections, in particular in the office:

[Summarising statement of the German data protection authorities \(DPAs\)](#)

[FAQ of the DPA Baden-Wuerttemberg](#)

[FAQ of the DPA Hamburg](#)

[Clarifications by the DPA North-Rhine Westphalia](#)

[Annotations of the DPA Rhineland Palatinate](#)

[Statement of the DPA Saxony-Anhalt](#)

[Information hub of the ICO](#)

[Notes of the CNIL \(in French\)](#)

On video conference tools and requirements regarding working at home:

[Check lists of the DPA Berlin](#)

[Overview of the DPA Brandenburg](#)

[Annotations of the DPA Schleswig-Holstein](#)

[Comments of the CNIL \(in French\)](#)

2. Legislation

+++ DRAFT BY GERMAN FEDERAL GOVERNMENT TO ALLOW WORKS COUNCIL'S MEETINGS VIA VIDEO AND TELEPHONE CONFERENCE SYSTEMS +++

In light of the coronavirus, the German Federal Government has introduced a draft amendment to the Works Constitution Act (*BetrVG*), according to which the works council may conduct virtual meetings via video or telephone conferences. For such meetings, technical and organisational measures including encryptions – similar to Art. 32 GDPR – shall be taken to ensure confidentiality of the meeting. If the bill is passed unaltered by the German parliament, these provisions will apply retroactively starting 1 March 2020.

The currently latest draft is available [here](#).

3. Case Law

+++ HIGHER ADMINISTRATIVE COURT OF KOBLENZ: TEACHER CANNOT REQUEST THAT A YEARBOOK WITH CLASS PICTURES INCLUDING HIMSELF IS RECALLED AND DESTROYED +++

The Higher Administrative Court of Koblenz has ruled that a teacher has no claim to have a yearbook, which includes class photos also depicting him, recalled and destroyed. Thereby, the court confirmed the lower court's judgement, which considered the photos as testimony of contemporary history which has at least local significance for the school members. The teacher, on the other hand, was depicted in a harmless situation and therefore only marginally affected.

The official press release on this judgement is available [here](#).

+++ ADMINISTRATIVE COURT OF MAINZ ON LAWFULNESS OF DATA TRANSFER IN THE CONTEXT OF AN ASSIGNMENT OF A CLAIM +++

The Administrative Court of Mainz has ruled that transferring data with respect to a valid assignment of claims is generally lawful under the GDPR (judgement of 20 February 2020 – file ref.1 K 467/19.MZ). In this context, the court also analysed the conditions and the scope of the fulfilment of a contract as legal basis for processing data (Art. 6 (1) (b) GDPR).

The judgment is published [here](#).

4. Regulatory Investigations and Enforcement Actions

+++ POLISH DPA IMPOSES FINE FOR THE PREVENTION OF ON-SITE INVESTIGATIONS +++

The Polish supervisory authority UODO has imposed a fine of approximately EUR 4,400 on a marketing agency because no representative of the agency was available at its registered office for a scheduled on-site investigation and the agency continued to refuse any cooperation regarding this investigation. As such conduct may constitute a criminal offence under Polish law, the supervisory authority also notified the prosecution authorities.

Please find the official press release [here](#).

5. Opinions

+++ EUROPEAN DATA PROTECTION AUTHORITIES SPECIFY FRAMEWORK FOR CONTACT-TRACING VIA LOCATION DATA AND APPS WITH RESPECT TO THE CORONAVIRUS +++

The European Data Protection Board (EDPB) has detailed the requirements stipulated by data protection laws for technical solutions which are meant to assist in contact tracing, i.e. identifying contacts with people infected by the coronavirus and the chain of infection.

The detailed statement can be downloaded [here](#).

+++ GERMAN FEDERAL OFFICE BSI RECOMMENDS MINIMUM STANDARDS FOR SECURITY IN HEALTH APPS +++

The German Federal Office for Information Security (BSI) has published a guideline (BSI TR-03161) with recommended measures for health apps which should be respected as a minimum standard. According to the authority, the criteria in this guideline may also be of help for developers of such apps in the context of the approval of an app as a medical device.

The guideline is published [here](#).

+++ GUIDANCE OF THE CNIL CONCERNING PROCESSING OF EMPLOYEES' DATA +++

The CNIL has published a detailed guidance on the provisions for private and public employers regarding the processing of data relating to their employees. In this guidance, the authority also lays down retention periods and conditions when a data protection impact assessment is required.

The guidance (in French) can be accessed [here](#).

A short summary as FAQ (in French) can be found [here](#).

If you have any questions, please address the BEITEN BURKHARDT lawyer of your choice or contact the BEITEN BURKHARDT Privacy Team directly:

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