

COVID-19 | European Data Protection Supervisor (EDPS) urgently asks Member States to adopt harmonised approach for protection of personal data

On 6 April 2020, the European Data Protection Supervisor (**EDPS**), the European regulator overseeing data protection compliance at the EU institutions, urgently asked Member States to adopt a harmonised approach for the protection of personal data when tackling the COVID-19 crisis. The EDPS also called for a pan-European model “COVID-19 mobile application”.

The EDPS emphasises that EU data protection rules, including the General Data Protection Regulation, do not stand in the way of any necessary action to face the challenges posed by Covid-19. Instead, the EDPS maintains that these rules provide the framework for tackling the problems while mitigating any risks of eroding the fundamental rights of individuals. According to the EDPS, Member States should not turn to national tools only: *“[i]f we are so connected with each other, we will not be able to solve it with national tools only. The more European will our answer be the better results we will gain”*.

The EDPS confirms that, given the urgency and nature of the crisis, exceptional measures can be justified, but these should observe safeguards designed to prevent a lasting impact on fundamental rights and freedoms. As a result, exceptional measures should (i) be temporary; (ii) be limited to the specific purpose of fighting the COVID-19 crisis; (iii) restrict access to the data; and (iv) contain rules governing the fate of the data after the crisis.

Various Member States have relied on mobile applications or telecommunications data to combat the spreading of the virus with varying degrees of impact on the protection of the individual’s fundamental rights. An example in point is whether the telecommunications and location data used are truly anonymous. The EDPS notes that the use of *“temporary broadcast identifiers and Bluetooth technology”* is a useful means for contact tracing while respecting privacy. According to the EDPS, a pan-European model “COVID-19 mobile application” would ensure data protection by design from the start.

The EDPS’ statement can be found [here](#).

Please do not hesitate to [contact us](#) should you have any questions on this matter.

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