



Commissioner Didier Reynders
European Commissioner for Justice

Commissioner Thierry Breton
European Commissioner for Internal Market

12 November 2020,

Re: Information regarding the interoperability of COVID 19 contact-tracing apps in the European Union

Dear Commissioner Didier Reynders,
Dear Commissioner Thierry Breton,

Access Now and the Civil Liberties Union for Europe are writing to you to inquire about the functioning of the EU interoperability gateway system for COVID-19 contact-tracing and warning applications launched last month.

In fighting the pandemic using technology such as COVID-19 applications, the question is not whether to use personal data, but how. We acknowledge and appreciate the effort of the European Commission to provide guidance to EU states since March on how to ensure that measures implemented in relation to the fight against COVID-19 guarantee the privacy of patients and users of apps. Throughout the pandemic, our organisations have been in close contact with the European Commission and European Data Protection authorities, in particular to [report](#) on measures deployed by EU governments that would limit people's rights to privacy and data protection.

We have monitored the developments of contact-tracing and quarantine-enforcing applications across Europe with varying levels of uptake and diverging levels of consideration for privacy. The lack of personal data protection impact assessments, unclear data processing obligations and, lack of involvement of national Data Protection Authorities appear to be serious problems in certain member states.

We have further concerns over the use of mandatory applications for the enforcements of lockdown and quarantine measures across the EU. In the context of the launch of the "gateway" that seeks to ensure the interoperability of apps in the EU, we present to you the following questions:

- How many applications and, which ones, are now part of the gateway system?
- Who made the decision, and based on which indicators, about which applications are part of the gateway system?
- Did the Commission conduct a privacy and data-protection review of the apps added to the gateway?
- Did the Commission reject any application from the gateway system, and if so, why?

- Did the Commission look into the potential data sharing between contact-tracing apps and quarantine-enforcement applications?
- At the launch, you indicated that the gateway is “operated from the Commission's data centre in Luxembourg”. Is the Commission the data controller of the information processed in the gateway? If not, who is the data processor?
- You indicated that information in the gateway will be “kept to the minimum, and only stored as long as necessary to trace back infections.” Have you since established the list of personal data kept and the time frame? What are the measures taken once the information is no longer necessary?
- Who has access to information processed in the gateway?

We appreciate the information you have already provided to the public on the dedicated webpage of the system on the day of the launch and since then. We look forward to receiving a response to our additional questions by November 27th in order to increase transparency around this project.

We remain at your disposal for any questions you may have.

Sincerely,

Estelle Massé, Access Now
Eva Simon, Liberties