

To: [redacted] ([redacted]@minvws.nl); [redacted] [redacted]@minvws.nl]
 From: [redacted]
 Sent: Wed 8/19/2020 9:48:19 AM
 Subject: FW: FW: urgent 2 questions Apple Google
 Received: Wed 8/19/2020 9:48:20 AM

Van: [redacted] <[redacted]>
 Verzonden: woensdag 19 augustus 2020 09:41
 Aan: [redacted] <[redacted]@minvws.nl>; [redacted] <[redacted]> [redacted]@minvws.nl>
 Onderwerp: Fwd: FW: urgent 2 questions

Hierbij het antwoord van Apple

----- Doorgestuurd bericht -----
 Onderwerp:FW: urgent 2 questions

Datum:Wed, 19 Aug 2020 07:21:43 +0000

Van: [redacted] <[redacted]> [redacted]@dictu.nl>

Aan: [redacted] <[redacted]>

Hoi [redacted]

Even voor mijn begrip hoor, want ik ben geen jurist. Lees jij dtt als een Yes, Yes. ?

Mvg,

[redacted]

Van: [redacted] <[redacted]@apple.com>
 Verzonden: dinsdag 18 augustus 2020 17:36
 Aan: [redacted] <[redacted]@dictu.nl>
 CC: [redacted] <[redacted]@apple.com>; [redacted] <[redacted]@apple.com>; [redacted] <[redacted]@apple.com>; [redacted] <[redacted]@apple.com>; [redacted] <[redacted]@apple.com>; [redacted] <[redacted]@apple.com>; [redacted] <[redacted]@apple.com>; [redacted] <[redacted]@dictu.nl>; [redacted] <[redacted]>

Onderwerp: Re: urgent 2 questions

Hi [redacted]

Below is Apple's response to your questions:

"Public health authorities are the data controllers for the data processing in connection with the use of the EN APIs by their apps. Given the design of the EN APIs, the obligations within the GDPR are necessarily implemented by public health authorities utilizing the EN APIs, as they make the decisions on the data collection and use and therefore serve as controllers for the data processing in connection with their apps. As one example, rectification requests under Article 16 of the GDPR to correct a mistaken diagnosis would need to be handled by the public health authority verifying and maintaining these diagnoses. Apple and Google are requiring, in their respective policies governing the EN APIs, that app developers utilizing these APIs must implement and comply with data protection obligations, in addition to other requirements around privacy, security, and data control. As technology providers and in line with Recital 78 of GDPR, Google and Apple have taken into account the right to data protection

when developing and designing the EN APIs and implemented privacy and security protections that take into consideration the principles of privacy by design and by default. However, we have no role in determining the means and purposes of data processing as these decisions are taken solely by the Public Health Authorities.

Among other aspects, Google and Apple have put in place device/system level notifications and permissions through the EN APIs. Google and Apple have provided a dialogue on the device requiring the user to enable Exposure Notifications in the first instance. Subsequently, a user who indicates that they have a positive test result for COVID-19 can report that diagnosis within the app, and, again with the user's permission, their keys are then sent to the public health authority.

Apple does not collect any data from the operation of the Exposure Notification APIs. This was very purposefully by design as our role is simply to provide the technology for Public Health Authorities to utilize."

Hartelijke groet,

5.1.2e

Op 18 aug. 2020 om 16:00 heeft [5.1.2e] <[5.1.2e]@dictu.nl> het volgende geschreven:

Hi

[5.1.2e]

With the highest urgency we would like to bring in the following two questions for Apple. They are very important for us. **Could they be answered today?**

'You acknowledge and agree that You are, in Your capacity as the legal entity responsible for any user data processed in connection with the use of Your Contact Tracing App, solely responsible for complying with applicable data protection and privacy laws and regulations.'

Do we interpret this correctly that only the user or the creator of the app is processing personal data and Apple is not processing any of the personal data or as an entity has access to the personal data? And does it also imply that Apple has no role in determining means and purpose of the processing of personal data?

Regards,

[5.1.2e]

[5.1.2e]

[5.1.2e]

Dienst ICT Uitvoering (DICTU)

[5.1.2e]

Ministerie van Economische zaken en Klimaat
 Bezuidenhoutseweg 73
 2594 AC, Den Haag
 (06) [5.1.2e]

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