eHealth Network - COVID 19 – Joint Controllers subgroup
2020-09-16

Participants

Commission Units: SANTE (A1, A4, B3), CNECT (H2, H3, R4), JRC (E2)

Member States: DE, DK, ES, FI, FR, HR, IE, IT, LV, MT, NL, PL, PT, SE

Invited: SAP/TSI

Summary

An updated version of the DPC/DPIA was circulated to the subgroup. EC is revising the last version of the documents and will finalise them with SAP/TSI.

The Joint Controllers subgroup revised the onboarding procedure in light of the discussions with the Technical Working group last week. Additional changes were made during the meeting to provide clarifications on the information to be submitted by participating Member States for onboarding in EFGS, and on the process for checking such documentation within the Joint Controllers subgroup and the Technical working group. The onboarding procedure was then later adopted by the eHealth Network in the Coordinated Actions group on that same day.

In line with the onboarding procedure, SAP/TSI have been working on developing an application form, a legal survey and technical check list. The legal survey was discussed during the meeting; a new version will be circulated to the subgroup for comments until Friday 18 Sept.

SAP/TSI informed about a new data field in the Apple/Google protocol, which could have legal implications for the processing at national level and in EFGS. This matter will be further discussed at a technical meeting on Friday 18 Sept. at 14:00. SAP/TSI will provide an information note in advance of that meeting.

Agenda
1. Update on DPC/DPIA for the EFGS
2. Onboarding procedure approval
3. Onboarding application form and survey
4. Update on datasets to be exchanged in EFGS

Detailed discussion

1. DPC/DPIA for the EFGS

A revised DPC/DPIA for the EFGS was shared with the Joint Controllers subgroup on 15 September. These documents were updated by SAP/TSI following discussions in the subgroup last week. EC informed that it is still revising the documents and will provide feedback to SAP/TSI by the end of the week. An updated version of the DPC/DPIA will be shared with the subgroup once finalised by SAP/TSI.

2. Onboarding procedure approval

The Chair presented several changes made to the onboarding procedure to reflect the collaboration with the Technical Working group. Following discussions during the subgroup meeting, the following changes were further made in the onboarding procedure:

- The application form should include additional information about the name of the app, the name and address of the controller, and confirmation that the legal basis allows exchange of data with other participating countries through EFGS.
- The technical aspects to be checked will be developed in a checklist.
- It was clarified that the Joint Controllers subgroup can form a core group to check the application documentation and survey. The Joint Controllers subgroup or the core group has the task to evaluate the legal and data protection aspects in the application form and survey within 2 working days.
- The technical subgroup or technical core group has the task to check the application documentation within 2 working days, and to submit the evaluation to the Joint Controllers subgroup
- As regards technical checks, language was added to indicate that tests to check the connection between the national back end server and EFGS have been carried out by EC or entity acting on its behalf and the participating MS.
- Clarification was added on the documents to be sent to the eHN secretariat for the final decision on on/off-boarding by the Joint Controllers subgroup.

It was agreed that the eHealth Network secretariat would share the revised onboarding procedure with the Joint Controllers Subgroup, the Technical Working group and the eHealth Coordination Actions group. The onboarding procedure was then later adopted by the eHealth Network in the Coordinated actions group on that same day.

3. Onboarding application form and survey

A new shorter version of the legal survey for purpose of checking any possible deviation from the eHealth Network guidelines and the EDPB guidelines was prepared by SAP/TSI. The document was presented during the meeting. The draft survey integrates earlier comments from the Chair. The Chair requested clarification in question TRANS-3 of the kind of information which is expected to be provided to users. In response to comments from DE/Vice-Chair, the Chair indicated that the survey should focus on questions directly relating to EFGS. It was agreed to share the revised draft survey with the Joint Controllers subgroup, for comments until Friday.

SAP/TSI has also been working on a draft application form, including technical questions to be checked by the Technical Working group. SAP/TSI will revise the documents to streamline them, taking into account the draft statement and letter of intent prepared in the subgroup.

4. Update from SAP/TSI on datasets to be exchanged in EFGS

SAP/TSI informed about a new data field to be introduced in Google/Apple protocol, relating to whether and when symptoms started to be displayed. This information would be collected from users with a view to make a better risk assessment. It would be added in the value for risk calculation. This may have an impact on the legal basis for processing at national level and on the processing in EFGS in light of the

Implementing Decision. From a technical point of view, this may create a further segmentation of the key due to user decision to share this information or not.

As there was no time to discuss this issue at the subgroup meeting, it was agreed that SAP/TSI will prepare an information note to be shared with the subgroup and the technical working group. The note will be shared in advance of a technical meeting on Friday to discuss this issue further.

Next actions

1. SAP/TSI to provide a revised version of the onboarding application form and legal survey, to be circulated to the subgroup by Thursday 17 Sept.
2. Member States to provide comments on the draft legal survey until Friday 18 Sept. 18:00 CEST.
3. SAP/TSI to provide an information note on the datasets introduced in Google/Apple protocol, to be distributed to the Joint Controllers subgroup and the Technical working group by Friday 18 Sept.
4. EC to finalise with SAP/TSI the DPC/DPIA and circulate a revised version to the subgroup when finalised.

Next meeting

23 September 2020 – 10:00-11:30 – eHealth Network COVID-19 – Joint Controllers subgroup