

Request to the Government of Spain:

We want to express our support for the decision of the Government of Spain to use technological means that help prevent infections, save lives, optimize the health system and to fight the COVID-19 pandemic, It is hitting our country.

Maintaining the confidence of citizens in a time of crisis like the current one, is a priority for a Government, especially, in a situation where the right to life is the fundamental right that must prevail, for this reason, we applaud the adoption of those measures necessary to protect the health of citizens, as well as their physical integrity.

Our hope is that this confidence will extend **once this health crisis ends**.

Therefore, the legal, ethical and transparent management of personal data in particular, of the most sensitive, by public institutions and companies, plays a decisive role.

The General Regulation (EU) 2016/679 on Data Protection (hereinafter "GRDP") provides for special categories for derogations, such as the current one, in which the rules must be continued to guarantee the rights of citizens.

Derogations must bring to suitable safeguards.

In particular,

1. **1. Respect for the requirements indicated by derogations in article 9.2.i) GRDP for the processing of special categories of personal data of a special category**, which must observe security measures and in strict respect of the principle of proportionality of data processing and necessity. These two principles underpin Human Rights in the territory of the European Union.

2. Respect for the following principles regarding the processing of personal data:

(i) **Principle of purpose limitation (article 5.1.b)**, according to which said **data may only be used for the stated purpose**, manage and defeat the pandemic.

(ii) **Principle of storage limitation (article 5.1.e)**, by which **all the data obtained during the processing must be deleted once the pandemic has ended**. Derogations to this case may be described in detail in the fourth section of this document.

3. The observation and strict respect to the principle of **data protection from the design during the development of technical works** that give rise to technological tools that are developed or applied, in accordance with article 25 GRDP.

4. **The reuse of personal data collected and generated during the use of technological resources for exclusively scientific research purposes** may help the Government of Spain to make future decisions that protect us in similar situations in the future, or in possible peaks of COVID-19 in the coming months and until the vaccine is released, in an estimated period of 18 months.

In order to maintain confidence in the policy adopted, and respect the privacy and Fundamental Rights of citizens, ask us to apply all the safeguards established in the regulations for data reuse for the purposes of scientific research, or, where appropriate, the provisions regarding the reuse of personal data for purposes other than those for which the data was collected.

5. That is why we believe we need **the organization and coordination of a multidisciplinary team that works to manage possible future similar situations** that brings together representatives of the Government of Spain, the data protection authorities, the scientific community, technology companies, experts in data protection and data ethics, all with the aim of preparing an Action Protocol aimed at restoring the common good, based on the results of social and psychological impact assessments, data protection and privacy, rights fundamental, of ethics, security, and sustainability, and to avoid the introduction of a state of permanent technological surveillance in the national territory.

6. Finally, to counteract those **private technological initiatives with a profit motive** that do not respect the privacy or the Fundamental Rights of Spanish citizens, as well as the creation of protocols that can help and guide government activity on similar future occasions.

Yours sincerely,

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