

eHealth Network - COVID 19 - Legal aspects of contact tracing apps

2020-09-09

Participants

Commission Units: SANTE (A1, B3), CNECT (H1, H2, H3), JRC (E2, E3), ECDC

Member States: CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LV, MT, NL, PL, PT, SE, SK

Summary

38 million Europeans (10% of EU population) have downloaded the contact tracing and warning apps, with highest shares in IE, FI (33%) and DE (22%). The number of people that received an infection code varies between countries, reaching over 3000 in Germany. Given the high level of privacy of the apps, it is difficult to know exactly how many people have introduced the infection code or how many have been warned about a possible infection following a contact with a COVID patient for more than 15 minutes, within less than 2 meters. However, the Commission and ECDC are working with WHO and Member States to identify possible indicators to measure the effectiveness of contact tracing apps.

On the interoperability front, 11 member states of the 19 that already have or develop a contact tracing and warning app are ready to connect to European Federation Gateway Server by end of October. Out of the 11 Member States, 6 (CZ, DK, DE, IE, IT and LV) are ready to start the dry-run testing on 14 September. A press release will be issued on 14 September and other communication activities will be prepared. In order to prepare for the go live, Member States agreed broadly today on the on-boarding procedure, which should be adopted in written procedure by 11/9 COB. Member States also agreed in the Joint Controllers Subgroup on Data Protection Impact Assessment, developed with the support of the processor (Commission and SAP/TSI). PL and DE are the chair and co-chair of the Joint Controllers subgroup, which has tasks related to data protection and the main role in deciding on the go live in the European Federation Gateway Server, especially from a legal and organisational perspective. Next meeting will take place on 16 of Sept.

Agenda

1. Debrief from the Joint Controllers, Piloting Community and Technical working groups
2. Onboarding procedure approval
3. State of play on apps
4. Communication group
5. Effectiveness on app

Detailed discussion

1. Debrief from the Joint Controllers, Piloting Community and Technical working groups

The **Joint Controllers** subgroup now has a MS Chair (PL) and Co-Chair (DE). Consolidated the on-boarding and off-boarding procedures, to be ready for adoption by the eHN. The group also progressed in drafting the "letter of intent" to be provided by each Participating Nation to start the on-boarding procedure. The subgroup work will continue focusing on drafting the necessary documents to support the on-boarding and off-boarding procedures. Next meeting will be on the 16 of Sept.

The main takeaways from the **Piloting Community** workgroup meeting relate to the time planning. The “dry run” (test with National Backends) of the EFGS is expected for the end of September and the GoLive for the first 6 Participating countries (CZ, DK, DE, IE, IT and LV) is expected for mid-October (15 October). After the GoLive of the first countries, a second wave of countries is expected to ultimate the connection with the EFGS and join the countries in the live operations. Next meeting will be on the 16 of Sept.

During the **Technical Apps workgroup** meeting the contact tracing apps state of play was refreshed with updated figures (apps downloads, infected users, uploaded keys). This topic connected with a second one about “measuring the effectiveness of the contact tracing apps”. About effectiveness measuring the conclusion is that there is a heterogeneous reality between different countries and that work needs to be done to capture possibilities and come forward with a common proposal. During the meeting it was also confirmed that Certificates Governance is agreed and stabilized. Regarding the main issues it was agreed that it is important to clarify with Apple and Google several aspects related with the recent update from the EN framework that foresees an app less scenario. Some Countries will join the EC in a meeting with Apple and Google. Next meeting will be on the 16 of Sept.

2. Onboarding procedure approval

The biggest change is the erase of the mention to the implementing decision. New provisions added to off-boarding procedure. The group is now working on the application form “*statement and letter of Intent*”. A first draft has already been provided with the request for comments until 11 Sept 18:00 CEST.

It was agreed that the document approval will follow an eHealth Network written procedure until 11 Sept. 18:00 CEST.

3. State of play on apps

The Member States provided an update of the applications uptake report of their applications during the technical working group. The report was completed with additional information collected in the Coordinated Actions meeting. The latest numbers are available [here](#) (also in the last pages of this document); the status of Member States is available [here](#).

SE: keeps following the updates, but no concrete plans exist. In case we go ahead the work will be much simplified by the work done by the eHN.

FR is discussing with CNIL the possible change to decentralized system – a decision is expected on 23 September.

4. Communications aspects

EC is preparing a press release and we would like to confirm if the MS feel comfortable being quoted. The quote mention the countries CZ, DK, DE, IE, IT and LV that will start the tests as the first wave of countries connecting to the EFGS.

Countries asked if the press released can be shared in advance. EC confirmed that this is a decision that has to be validated by the spokesperson in EC.

EC is preparing communication actions for mid-October. We are working on a web page, video clip and infographic. It would be useful for us to have the contacts of your communication officers so that we can coordinate and share with them the available materials. We are preparing and will share a reverse planning to help to coordinate the materials preparation. A meeting of the communicators will be called for 16/9 at 9AM, based on the list of communicators in eHDSI (updated with the contacts sent by Member States).

5. Monitoring the effectiveness of proximity tracing apps

According to the “Toolbox” it is stipulated that after launching the apps we should assess/reflect their effectiveness. One of the first steps is to identify the assessment methodology and Key Performance Indicators to measure the impact (epidemiological effect), performance, engagement.

ECDC is working with WHO to prepare a list of indicators identified as relevant to monitor/measure the effectiveness of contact tracing apps. The indicators of manual contact tracing cannot be directly adapted to contact tracing with apps.

EC will come back to eHN with a proposal on a possible common approach on how perform the assessment. If you have any suggestions please provide them to the following emails: 5.1.5 @ec.europa.eu>; cc: 5.1.2e @ec.europa.eu .

NL suggested the following KPIS: installs, runtime, # warnings, # uploads, # second degree.

6. Nomination of MS contact points for grants

EC urge the MS to nominate the contact person in the country that should receive the invitation to apply for the support grants to adapt the National Backends to connect with the EFGS. Please indicate who is the organization that should receive this invitation.

Next actions

1. Member States approval of “The procedure to Connect and disconnect the Participating Countries from the EFGS” by written procedure until 11 Sept. 18:00.
2. Member States nominate and inform the communication officers
3. EC will prepare a communication activity plan aiming at have the communications materials ready and consolidated by the time EFGS and the first wave of countries GoLive. Next meeting of the communicators on 16 September, at 9 AM.
4. Member States are invited to provide suggestions to the methodology and possible KPIS to measure the effectiveness of the contact tracing apps (send suggestions to: 5.1.5 @ec.europa.eu>; cc: 5.1.2e @ec.europa.eu)
5. EC and ECDC will prepare and present to eHN a proposal for a common approach to contact tracing apps effectiveness measure.
6. EC requests the MS to indicate who is the organization that should receive this invitation. Please submit the information on designated applicants to 5.1.5 @ec.europa.eu , cc: 5.1.5 @ec.europa.eu

Attachments

1. Onboarding procedure and “intent letter”
2. Intro to contact tracing apps effectiveness monitoring
3. ESI grant – organization indication
4. Chat (20_09_09_eHN_CA_CHAT_aj)

Next meeting

16 September 2020 – 14:00-16:00 – eHealth Network Coordinated Actions – COVID-19

Apps State of play (updated at 9 sept. 2020)

	Decentralised	Centralised	TOTAL
Online	AT, IT, LV, DE, PL, DK, IE, HR, (ES), NL, FI, EE, PT	FR	14
Development	BE, LT, CY, CZ, MT		5
TOTAL	18	1	19
To be confirmed	SK, BG, EL, ?SI, HU		5
Not planned	LU, SE, RO		3
Suspended	NO		1

Member States	Architecture	Downloads	Date of launch	Population (Eurostat)	Downloads as a percentage of population	Percentage of total downloads	Source	Notifications/alerts initiated	Comments 09-09-2020
AT	Decentralised	906.000	25-03-2020	8.858.775	10%	2,3%	Confirmed in eHealth Network meeting (29/07/2020)	~56 people send red warning(infection), ~513 people send yellow warning (symptoms), 376 (green)	
CZ	Centralised Moving to Decentralised	250.000	30-06-2020	10.693.999	2%	0,6%	Confirmed in eHealth Network meeting (09/09/2020)		We are running centralised app. We are preparing a 2.0 V (to be realised next week) following a decentralised application.
CY	Decentralised		Mid-September	888.005	0%	0,0%	Confirmed in eHealth Network meeting (19/08/2020)		
IT	Decentralised	5.500.000	01-06-2020	60.244.600	9%	14,3%	Confirmed in eHealth Network meeting (09/09/2020)	208 total uploads (infected) 2865 total exposure notification received 8 uploads upon receipt of an exposure notification	5.5 millions downloads 208 total uploads (infected) 2865 total exposure notification received 8 uploads upon receipt of an exposure notification
LV	Decentralised	120.000	29-05-2020	1.919.968	6%	0,3%	Confirmed in eHealth Network meeting (09/09/2020)	7 positive uploads	134000 downloads 8 infected users

DE	Decentralised	17.990.000	16-06-2020	83.019.213	22%	46,6%	) Confirmed in eHealth Network meeting (09/09/2020)	3013 teletans being given out	DE=17,99mn downloads 3013 teletans 21,7% coverage We are not in position to measure the number of uploaded keys.
PL	Decentralised	680.000	09-06-2020	37.958.100	2%	1,8%	) Confirmed in eHealth Network meeting (02/09/2020)	31 uploads	
DK	Decentralised	1.200.000	18-06-2020	5.806.081	21%	3,1%	) Confirmed in eHealth Network meeting (02/09/2020)	658 verified positive since go live	
IE	Decentralised	1.615.000	07-07-2020	4.963.839	33%	4,2%	) Confirmed in eHealth Network meeting (12/08/2020)	IE 378 Close Contact Notifications/133 Diagnosis Key Uploads	
FR	Centralised	2.800.000	15-07-2020	67.012.883	4%	7,3%	) Confirmed in eHealth Network meeting (09/09/2020)	3500 declared positives, 200 notifies at risk	2,8 M downloads, 3500 declared positives, 200 notifies at risk DPIA material sent to CNIL (next meeting 31 September)

HU	Centralised	45.000	-	9.769.526	0%	0,1%	Confirmed in eHealth Network meeting (15/07/2020)		
HR	Decentralised	52.353	27-07-2020	4.076.200	1%	0,1%	Confirmed in eHealth Network meeting (09/09/2020)	2 people reported their "infected keys"	52.353 downloads until yesterday; 2 people reported their "infected keys" Planning promotion activities and the next update of the app.
NL	Decentralised	1.500.000	17-08-2020	17.407.585	9%	3,9%	Confirmed in eHealth Network meeting (02/09/2020)	37 app users tested, found positive and notification sent, 500 people called health services claiming to have had a notification.	
ES	Decentralised	3.400.000	?	46.937.060	7%	8,8%	Confirmed in eHealth Network meeting (02/09/2020)	331 codes introduced	
MT	Decentralised		22-09-2020	514.564	0%	0,0%	Confirmed in eHealth Network meeting (09/09/2020)		New deployment date 22-09-2020 (previous 24-08-2020)

FI	Decentralised	1.800.000	31-08-2020	5.500.000	33%	4,7%	Confirmed in eHealth Network meeting (09/09/2020)	68 diagnosis key submissions by infected persons. No information about number of exposure notifications.	1,8M downloads. 68 diagnosis key submissions by infected persons. No information about number of exposure notifications.
PT	Decentralised	707.669	01-09-2020	10.191.000	7%	1,8%	Confirmed in eHealth Network meeting (09/09/2020)	9 positive uploads 20 people called to NHS24 claiming to have a notification (national hotline)	707669 downloads since the launch (1st of September) 9 positive uploads 20 people called to NHS24 claiming to have a notification (national hotline)
BE	Decentralised			11.597.000	0%	0,0%	Confirmed in eHealth Network meeting (02/09/2020)		
EE	Decentralised	108.000	20-08-2020	1.329.000	8%		Confirmed in eHealth Network meeting (09/09/2020)	25 infected persons	108 000 downloads 25 infected persons
Total	-	38.566.022	-	375.761.398	10%		-		