Without prejudice to the powers of the Commission as guardian of the Treaties, the monitoring of the application of the EU data protection rules falls primarily under the competence of national authorities and courts. It is for them to monitor compliance of contact-tracing apps with the General Data Protection Regulation (GDPR)\(^1\) and the national laws transposing the ePrivacy Directive\(^2\).

The Commission adopted recommendations on a common toolbox for using technology and data concerning mobile applications and the use of anonymised mobility data\(^3\). The Member States with the Commission’s support adopted a Common EU toolbox for Member States on mobile applications to support contact tracing\(^4\). The Commission published a Guidance on apps in relation to data protection\(^5\), which was complemented by guidelines from the European Data Protection Board (EDPB)\(^6\). The Commission and the EDPB considered that there are various options how the apps can be implemented. The data should be in any case limited to what is necessary for the purpose pursued.

The storage or access to user’s terminal equipment is subject to the user’s prior consent pursuant to Article 5(3) of the ePrivacy Directive under certain conditions\(^7\). As from 21 December 2020, over-the-top communications services will be covered by the definition of an electronic communications service\(^8\) and will be subject to the security requirements of the EECC and Article 5(1) of the ePrivacy Directive. On cybersecurity concerns, the Computer Emergency Response Team (CERT-EU)\(^9\) is following the developments regarding Zoom closely. The EU institutions are discouraged from using Zoom until the concerns have been addressed\(^10\).

\(^3\) https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1587153139410&uri=CELEX:32020H0518
\(^6\) Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak available at: https://edpb.europa.eu
\(^8\) In line with the European Electronic Communications Code (EECC).
\(^9\) Computer Emergency Response Team responsible for the EU institutions, bodies and agencies (CERT-EU).
\(^10\) The Commission together with the EU’s cybersecurity agency ENISA and all other EU bodies involved in cybersecurity have significantly stepped up information sharing activities. The CSIRTs network which gathers the national Computer Security Incident Response Teams has been put in alert cooperation mode (intermediate mode) and is sharing information on a 24/7 basis and a newly set up COVID-19 task force has launched a weekly Sectorial Situational Awareness and Analysis report on COVID-19, which is disseminated to EU
institutions and Members States. Europol has launched an information campaign to raise awareness and help businesses and employees telework safely.