

**Question for written answer E-005833/2020
to the Commission**

Rule 138

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Subject: Mandatory installation of contact tracing apps and personal data protection during pandemic

In Portugal, the government has tabled bill 62/XIV before the national parliament.

This bill would make it mandatory for people with compatible devices to use the app STAYAWAY COVID in professional and educational settings and puts various police authorities in charge of enforcement.

There are serious concerns that this proposal – since it involves mandatory installation and intrusive policing – constitutes a violation of fundamental rights to freedom and privacy, and also infringes national and European data protection laws.

In its guidance on apps supporting the fight against the COVID-19 pandemic in relation to data protection (2020/C1241/01), the Commission recommends that the installation of such apps be voluntary and that there be no consequences for individuals who opt out. The European Data Protection Board shares this position. The bill also establishes the applicable system of administrative penalties. I should like to ask the Commission the following questions.

1. Does the Commission believe that making the installation of this type of app mandatory is in line with the General Data Protection Framework?
2. Is imposing a fine of up to EUR 500 consistent with the principle of proportionality, one of the pillars of the rule of law?