



The Digital Response to COVID-19

Europe's digital capacity is vitally important in the ongoing COVID-19 crisis. Technologies are enabling citizens to stay in-touch, work, study, shop and reach public services through these difficult moments. It is also paramount to the fight against COVID-19. Industry is playing its role in tracking medical assets to manage resources, using health data to predict peaking outbreaks, enabling 3D printers to aid ventilator supply, freeing up bandwidth, prioritising items for delivery, offering users free data communications and using privacy compliant AI applications to monitor recovering patients.

Business will continue its efforts in support of Europe and the wider International Community as long as is needed. **It is through this good will and ongoing respectful cooperation that we highlight crucial areas of digital policy that can uphold and improve our moral efforts in this momentous challenge we all face:**

- **Connectivity** is vital for European businesses, citizens and governments to continue to function at distance. Upholding good functioning systems and networks should be the priority, this includes permitting crucial maintenance to support them and their supply chains. We support recent EC [Guidance](#) in this regard while upholding the protection of employee health. Further mid to long-term support and investment should also be granted to providers to maintain high quality and sufficient capacity of digital infrastructure.
- Hostile actors are taking advantage of this global crisis. A rise of cyber-attacks have swept Europe. This is disrupting business functions at a vital moment. While we already invest in **cybersecurity**, ENISA should ensure economic continuity as a priority through urgent additional awareness raising and technical support for business. The Commission could also aid citizens in cyber hygiene and fake news education.
- **Digital services supporting critical infrastructure** should be protected with priority as so many vital services combatting this crisis and upholding our way of life rely upon them. This also means maintaining their full functioning from distance. All available technologies should be utilised to ensure this occurs with as little physical human intervention as possible.
- Citizens and businesses rely on efficient **public services**. Digital technologies can support this in times of crisis (and beyond) when physical delivery is not advisable. The public sector should utilise these technologies through handling procedures digitally to continue offering vital services at distance.
- Legal certainty for **data protection** and its balance with other rights should be expressed at European level. We note the [recent](#) statement of the EDPB's Chair in this regard. However, a national patchwork is arising without further detailed and specific European guidance in response to this crisis. While always safeguarding human dignity, we agree the GDPR can enable our efforts if all processing possibilities are upheld and not individually favoured. At the same time, we raise specific concerns over its limits. Recital 46 supports processing of "special" categories of data (eg. health) on the basis of a vital or public interest, including "monitoring epidemics", but:
 - use of the "vital interest" (Article 9(c)) ground is of little help in practice to effectively fight this crisis if it can only be relied upon when the data subject is incapable of

giving consent;

- use of the “public interest” ground (Article 9(g)) is uncertain as individually applied Member State legislation detailing “the basis” of its applicability exists, which can even exclude business support of the healthcare sector (Article 9(i)).

We remind DPA's of their Article 58 powers before fines are given, particularly as many sectors had to hastily reorganise distance working.

We highlight the potential of ePrivacy Directive to enable Member States to introduce legislative measures to safeguard public security (Art 15) in relation to processing non-anonymised geo-location data.

Once this crisis has passed, Europe needs to assess its current digitising industry plan and shift up a gear towards the next phase of **digitising industry** while broadening connectivity to enable all to not only become more efficient through spending resources and human capital, but to innovate and organise itself to be able to adapt and respond rapidly to unforeseen external pressures.

We remain wholly committed in this joint endeavour to ensure Europe's safe and prosperous return.