



Judgment of executive order that gives personal data to Brazilian Institute of Geography and Statistics (IBGE) in the Supreme Court of Justice. New decision regarding President Jair Bolsonaro's COVID-19 testing. Countries in Europe are concerned with new App created by a partnership between Apple and Google. Check out these and other news in the third report of the project "The Data and the Virus".

Rosa Weber's decision and Data Privacy Brasil Research Association's collaboration on MP of data sharing with IBGE

What you need to know...

- Justice Rosa Weber (Supreme Court of Justice) maintained the decision to suspend MP 954/20.
- Rosa Weber sustained there was a lack of explanation about why and how telecommunication companies and Brazilian Institute of Geography and Statistics (IBGE) were to share customers data during **COVID-19** pandemic.
- Bruno Bioni, from Data Privacy Brasil, spoke about the theme in an oral statement. Data Privacy was accepted as an amicus curiae and presented a brief to the Court

On May 6, there was the trial of five lawsuits challenging the constitutionality of [MP 954/20](#), which provides for the sharing of customer data by telecommunication companies to IBGE during the COVID-19 pandemic. Rosa Weber reaffirmed her [previously granted](#) decision to suspend the efficacy of the MP.

There was also the presentation of oral arguments, by lawyer Danilo Doneda, from PSB, lawyer André Maimoni, from PSOL, lawyer Marcos Coelho, from the OAB Federal Council, José Levi from the Attorney General of the Union's Office and the Prosecutor General of the Republic Augusto Aras. As amici curiae, Leonardo Fernandes, from IBGE, Paulo Sarmento, representing the Public Policy Laboratory (LAPIN), and [Bruno Bioni](#), from Data Privacy Brasil Research Association, spoke during the trial.

During her vote, Rosa Weber talked about George Orwell's classic book "1984" and also about "The Great Hack", a Netflix documentary. Both of them good examples about how data can be used on a negative way and how powerful it is if used without any rules.

"Crisis situations such as the one triggered by the global COVID-19 pandemic and the exceptional measures which have been adopted for solving them tend to cause the weakening of rights, especially because the institutions that, in another time, would be less permeable to such assaults, become in such times, less vigilant and adhere to the narratives that seek to justify them from the imposed crisis," she added.



The justice also said the MP is not clear about “how” and “what for” IBGE needs the customers data. Rosa Weber said it is impossible to compare phone books data from the past with the current technology. She also stated that the MP does not include inspection or liability actions for improper access or misuse of data.

Bruno Bioni, from Data Privacy Brasil, [alleged](#) excessive interference in citizens' data, in addition to reaffirming the absence of a supervisory mechanism, which makes the institutional context of guaranteeing rights more unstable in the face of a massive transfer of personal data and with high value. In addition, he pointed out that it would be a historic opportunity for the Court to extract a new fundamental right: data protection, which is autonomous in relation to the right to privacy and the secrecy of communications.

[Click here](#) to read the amicus curiae brief from Data Privacy Brasil Research.

European countries disagree on decision to adopt App from partnership between Apple and Google

What you need to know...

- Apple and Google developed a Contact Tracing App for monitoring COVID-19 pandemic.
- Germany is going to use the technology to combat the new Coronavirus.
- France accused Apple of refusing to provide assistance to their own App, with technology to collect citizens private data.

After the [announcement](#) of a partnership between Apple and Google, on April 10, to develop a new tool of Contact Tracing, countries in Europe had different reactions about applying the technology or not.

Contact Tracing is the identification of recent contact between a person infected by a contagious disease with other people and, as a consequence, partial or full isolation of people with Coronavirus, in order to slow down the spread of the disease.

As explained on [Report #2](#) of the “Data and the virus” project, Apple and Google are developing an App with a [Bluetooth system](#) to share information about infected people. In the future, the technology will be inside the operational system of the cell phones.

Germany confirmed the country will adopt the Apple-Google technology to combat the COVID-19. According to a [Reuters](#) news, Helge Brauns, Head of the Federal Chancellery, and Health Minister Jens Spahn, said Berlin will adopt a “decentralized” approach to tracking digital contacts, abandoning the option of leaving central control over tracking data in the hands of the local health authority. This is one of the differentials of the system, according to the technology giants.



On May 5, France [accused Apple](#) of refusing to help with their own social monitoring App. It happened because the country asked Apple to change operating system settings to allow its application to access Bluetooth in the background, so the government can monitor device users. The companies claim that, for real privacy, users data must be stored on their own devices.

The podcast “Dadocracia”, from Data Privacy Brasil, talked about Contact Tracing on its [Chapter #8](#).

United Kingdom refuses to use Apple-Google technology and creates its own monitoring App

What you need to know...

- UK developed its own Contact Tracing App to combat the new Coronavírus pandemya.
- The tests started in a small region and, according to the Health Secretary Matt Hancock, the results will be important to the implementation across the UK.
- The Big Data Institute of Oxford University estimates that, if 60% of citizens download the App, the lockdown at United Kingdom can be finished.

The UK has already [started testing](#) the new Contact Tracing, without the collaboration of technology giants. Also using Bluetooth, the App will show if the user had contact with any citizen who tested positive or with the Covid-19 symptoms in the neighborhood.

The [App](#) was developed by the NHS (National Health Service) and will keep the information of infected users in its database. The data will also be used for Coronavirus studies.

The Isle of Wight was chosen for the first tests. According to the Health Secretary Matt Hancock, during a [CNN interview](#), the location is ideal due to the high number of elderly people and the low number of cell phone users. If the region adapts well to the system, automatically the rest of the countries that make up the United Kingdom will also have satisfactory results.

However, the doubts about data security hang over the entire Queen Elizabeth region. [In an article](#), The Guardian newspaper questioned the security of users' data, especially after the government gave up the Apple-Google partnership.

Ian Levy, Technical Director of the National Center for Cybersecurity (NCSC), said in a [statement](#) that the NHS will use only anonymous data in order to carry out studies and plans to combat the disease. The expert also said that users will not need to enter private data during the registration, requiring only the first part of the zip code.

Regarding the British [population's adherence](#) to the Contact Tracing, the Big Data Institute of University of Oxford estimates that, if 60% of the population apply to the App, the number of new contagions will reduce to the point that it is possible to end the Lockdown in the region. However, the organization warns that it will be necessary to work on popularity to test its efficiency.

The president's tests: Justice demands the exposure of results

What you need to know...

- Judge André Nabarrete maintained the mandatory delivery of the “reports of all exams” carried out by President Jair Bolsonaro.
- AGU (Advocacia-Geral da União) said the organization is analysing the decision and looking for appropriate legal measures.

On the May 6, the judge André Nabarrete, from Na quarta-feira, 6 de maio, o Desembargador André Nabarrete, from Federal Regional Court of the 3rd Region (TRF-3), [maintained the obligation](#) to deliver the “reports of all exams” by President Jair Bolsonaro.

“The urgency of guardianship is undeniable, because the pandemic process unfolds daily, with an increase in deaths and infections. Society has to make sure that Mr. President is or isn’t affected by the disease”, he wrote.

The judge also stated that, although it is understood that, in general, transparency and publicity should guide matters relating to the President, a pandemic situation, the gravity that is recognized by Law No. 13,979 / 20, exacerbates the need and urgency of the disclosure of medical exams to society, so that there is no doubt about the physical condition of the authority.

A lot of different media press looked for talking to the AGU, the [organization said](#) it is analyzing the decision and evaluating other appropriate legal measures.