

EU data protection challenges to mobile disaster management

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Application of EU Data Protection Framework

Exemptions of Directive 95/46/EC

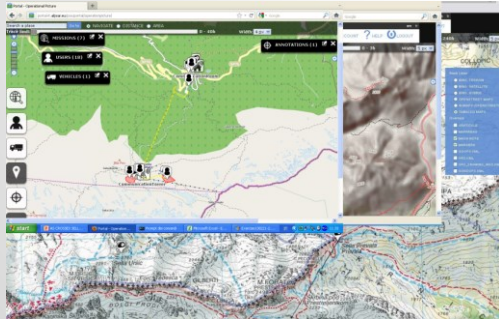
- The Directive is not applicable to areas that fall outside the exclusive and shared competences of the EU and which are not subject to regulation adopted while following “ordinary legislative procedure”.
- The Directive is not applicable to the processing of personal data that is part of law enforcement activities or concerns public security, defence, or national security.

GDPR: (59) **Restrictions** on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, measures based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life **especially in response to natural or man-made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State** [...]. Those restrictions should be in compliance with requirements set out by the EU Charter of Fundamental Rights of the European Union and by the ECHR.

Examples of mobile apps in disaster management

ALPSAR - App for mountain rescue teams

- End-users: mountain search & rescue teams in Slovenia & Italy.
- Features: location tracking system (2D and 3D visualisation), video, picture, maps and location based information, text messages...



Cruise ship app for passengers

- End-users: passengers.
- Features: give evacuation directions, contact with EOC, could track location, sense environment, entertainment.



Processing personal data of first responders

- Who are first responders?
 - Employees & volunteers (cooperate, pre-organized, pre-registered)



Legitimising processing of personal data:

- Employment context
 - Legitimate interest of a data controller (Art. 7 (f))
- Volunteers
 - Consent (e.g. signed forms) (Art. 7 (a))
 - Legitimate interest of a data controller (Art. 7 (f))



Processing personal data of citizens affected by a disaster

- Purposes need to be specified: one app - multi-purposes to attract users.
- Controllers have to be defined.
- Legal basis for data processing: consent - Art. 7(a) Dir. 95/46? and Art. 5 (3) e-Privacy Directive.
- Challenges: how to effectively inform the user, allow them to consent to individual processings, and what are the consequences of withdrawal of consent?



Conclusion

Despite the legal challenges on the application of the EU Data Protection Framework to disaster situations and the different apps, common recommendations can be made:

- Define the purpose(s) of each application;
- Limit usage of personal data and ensure that it is not used for incompatible purposes;
- Define a legal basis for processing personal data through the app;
- Ensure respect for data subjects' rights (i.e., right to information, rectification, erasure, blocking and objection).

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Establish Pan-European information space to
Enhance seCurity of Citizens Consortium:

