Exposure Notifications or Notified Exposures?

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A bit of context

• Google and Apple partnership (API)

• System under which many national COVID apps have been developed

• Apps notify individuals that they were exposed to COVID-19
The Control Paradox
Multi-level control by design

- Platform power
- Data processing
- Embedded interpretation of DP norms
Design choices

Infrastructure

Operating system

G&A

API

Apps

States

Device - Citizen
Contracts

Google COVID-19 Exposure Notifications Service Additional Terms

Apple Exposure Notification APIs Addendum to the Apple Developer Program License Agreement
Platform Power

• Decide which States may join or stop joining their framework

• The framework is controlled by the operating system

• Impose a specific design on national proximity tracking apps
Data processing by apps
Purpose
Exclusively for COVID-19 response efforts and not for any other purpose

Means
• Data collection, transmission and access
• Types of data
• Retention period
• Prohibits processing location data; any form of data association or correlation
Joint-Controllership

• Co-determine the purpose and the means of data processing

• Frame processing activities, either by permitting or prohibiting them

• Google and Apple are joint controllers, together with health authorities

• Controller obligations
Interpretative control
Adopting an interpretative paradigm

Google and Apple

Consent ↔ Public Interest

Unlinkability ↔ Exercise of rights

Functionality of the system ↔ Purpose of processing

States
Conclusion

• Google and Apple decided (who decides) about the design and data processing performed by apps

• Individual control ≠ Democratic control

• Google and Apple are joint controllers, together with Health Authorities, concerning data processing by proximity tracking apps

• EN is developed under an interpretative (contestable) paradigm
Thank you!

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