

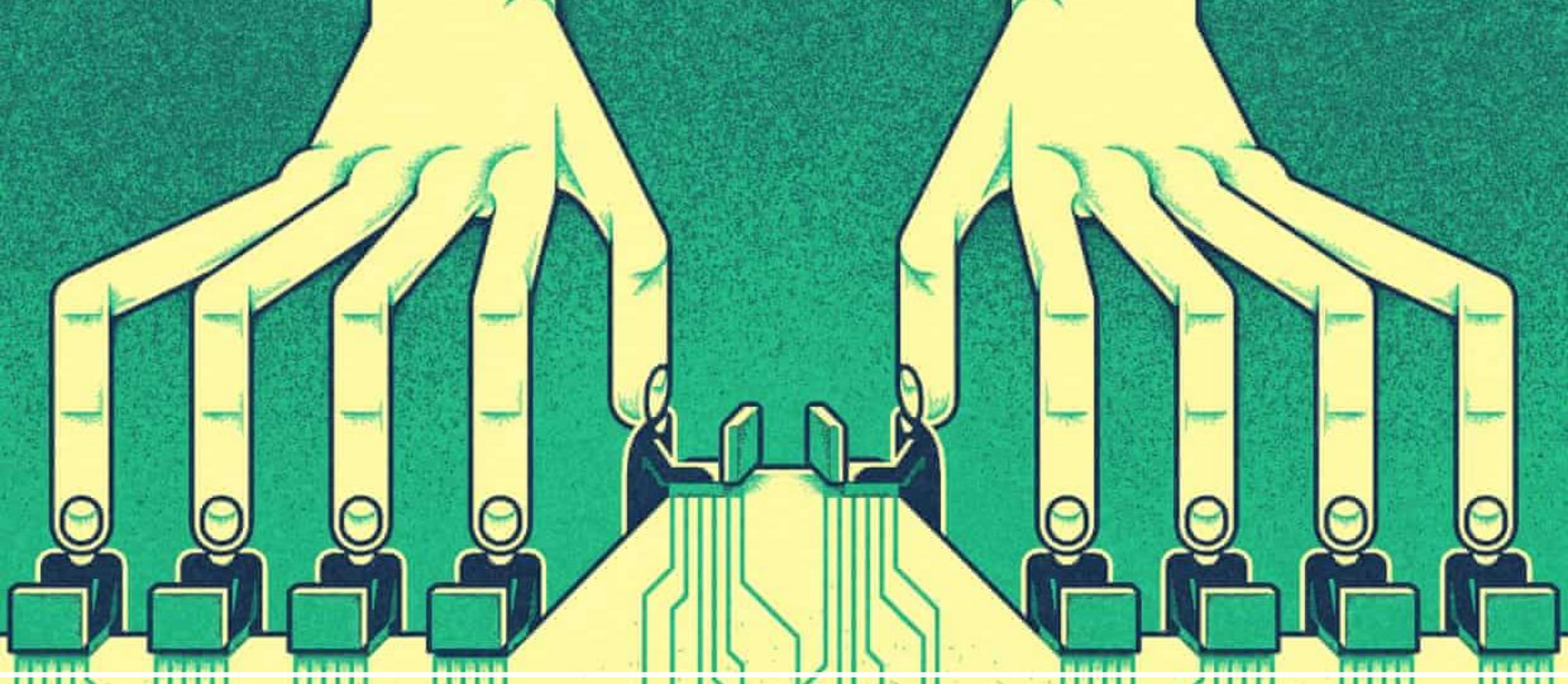
Exposure Notifications or Notified Exposures?

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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



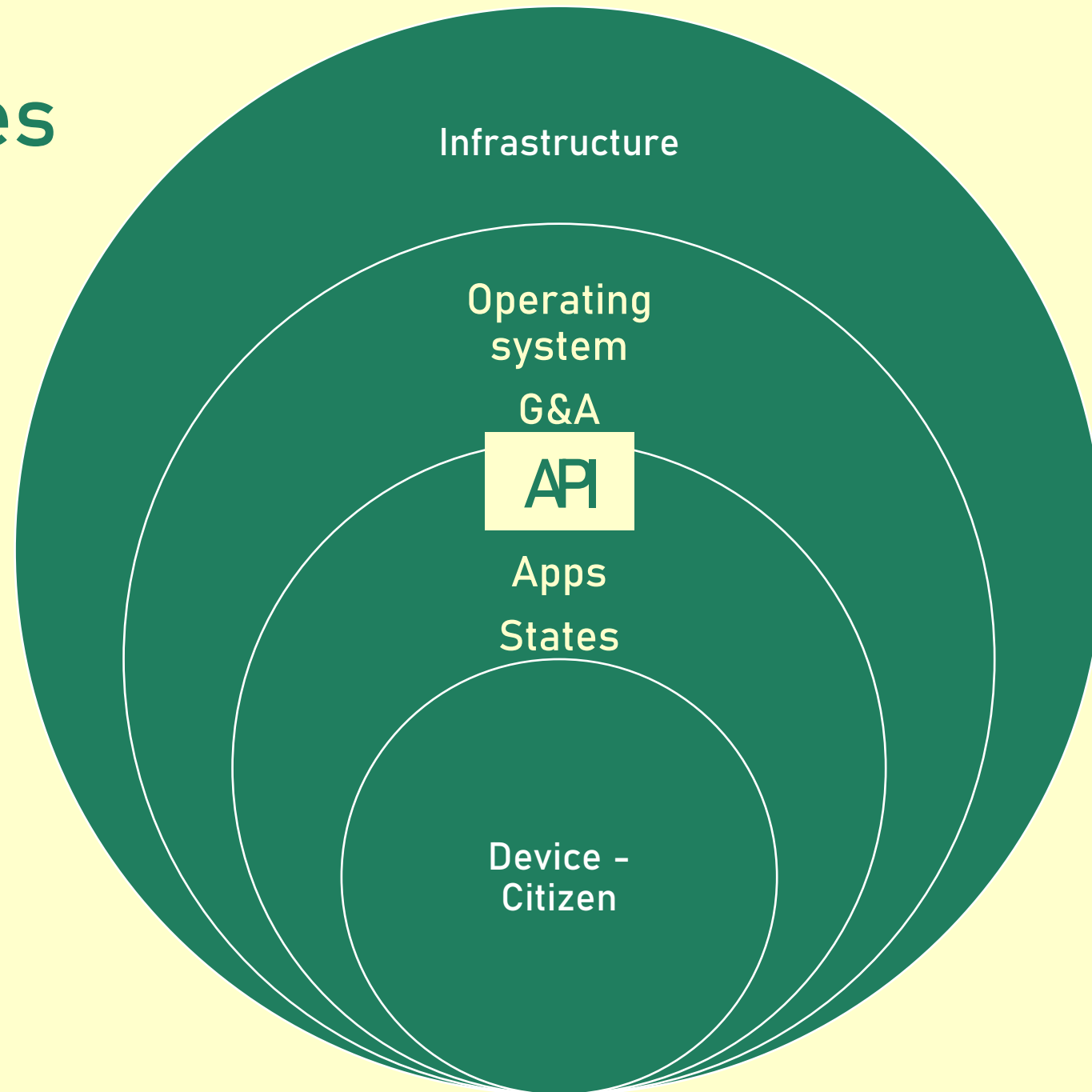
The Control Paradox



Multi-level control by design

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

Design choices





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

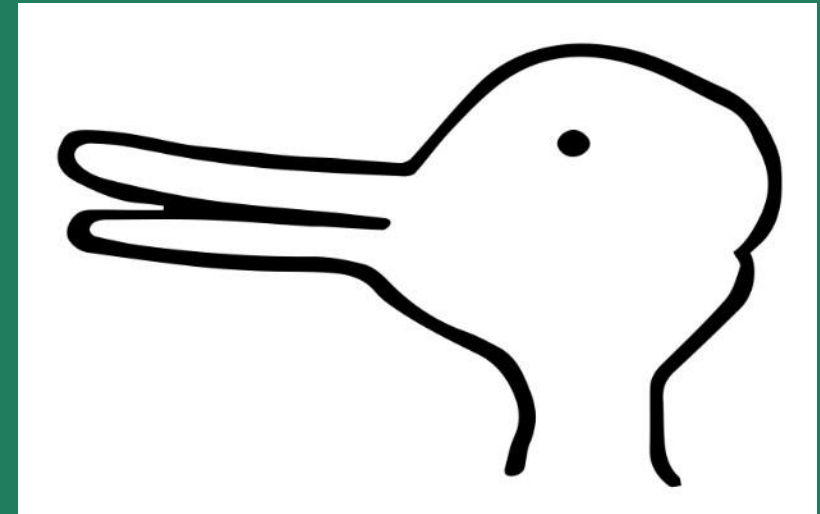
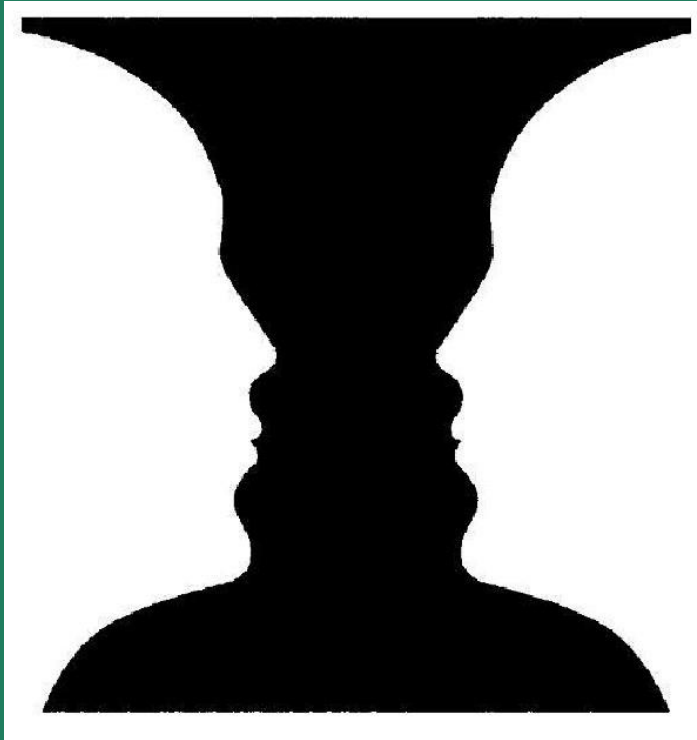
Means

- 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

States

Consent



Public Interest

Unlinkability



Exercise of rights

Functionality of the system



Purpose of processing

Conclusion

- Google and Apple decided (who decides) about the design and data processing performed by apps
- Individual control \neq 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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