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*Ms. Emily O'Reilly,
European Ombudsman*

AVOCATUL POPORULUI
REGISTRATURĂ GENERALĂ
IEȘIRE Nr. ...9737.../...27.MAI.2020

Dear Colleague,

In continuation of our correspondence, I would like to point out another situation in Romania, and I would appreciate your point of view regarding those set out in this letter.

Last week, Vodafone Romania S.A. has notified some customers, via SMS, that it has completed the *Information on the processing of personal data by publishing details on the analysis and statistics performed by Vodafone Romania to combat and prevent the Covid-19 pandemic*, available on the company's website (<https://bit.ly/2LobJXq>).

According to the *Special Rules on Analysis and Statistics for Preventing and Combating Covid-19*, **population mobility** can provide important information on the factors that promote the spread of Covid-19 infection, by observing and analyzing issues such as: the impact of population movement for certain geographical areas (including from the perspective of increase/decrease in the number of infected population); differences in distribution depending on the relevant geographical area; potential spreading trends and disease developments at national and European level. **Analysis and statistics are generated based on Traffic Data and Customer Location Data.**

Although no legal grounds are indicated on the basis of which the analysis of persons' mobility is performed, Vodafone Romania S.A. states that upon express request it can provide to the European Commission and other European authorities or agencies involved in the control and combat of the Covid-19 infection spread and/or to the Romanian public authorities involved in the control and combat of the Covid-19 infection spread, analysis and statistics on population mobility. This can be done by providing aggregated data directly to the authorities concerned and/or by granting them access to a specific application created for this purpose, where they can view and/or download this data. The analysis and statistics will be provided either

directly to the authorities, or through other Vodafone group entities that maintain contact with the European Commission and other European authorities/agencies.

Although we are aware of the position expressed in March 2020 by Mr. Wojciech Wiewiórowski, European Data Protection Supervisor, on the *Monitoring of Covid-19 spread*, it would be useful and instructive if you had information on the following issues:

- Has such a decision been taken at the level of the European Commission?
- Does the European Commission know whether other EU agencies have requested such analysis and statistics?
- Did the European Commission request such data from Vodafone Romania S.A.?
- Does the European Commission know what other countries practice such an analysis of human mobility?

With my best regards,

Ombudsperson,

Renate Weber
The stamp is circular with a red border. Inside the border, the text "INSTITUTIA AVOCATULUI POPULUI" is written in a semi-circle at the top, and "ROMANIA" is written at the bottom, flanked by two small stars. In the center of the stamp is a coat of arms.

Bucharest, May 26, 2020