

## **Press Release**

Rabat, October 28th 2021.

As mentioned in its press release of October 22, 2021, the CNDP (Commission Nationale de contrôle de la protection des Données à caractère Personnel) held an extraordinary meeting this Wednesday, October 27, 2021, in order to rule, from a personal data protection perspective, on the process of deployment of the vaccine pass (which has positively evolved into a sanitary pass) as well as on certain elements of the public debate. Today, this deployment is announced as limited in time during the period of the state of sanitary emergency.

The CNDP recalls that its mission is, amongst other, to control the protection of personal data regardless of their medium (paper, digital, sound, image, etc.).

The sanitary pass, to this date, presents:

- Legible information.
- A QR code for use in Morocco.
- A QR code for use in Europe.

The use of personal data must respect the law 09-08 and, thus, consider the principle of proportionality, while respecting the purposes displayed.

The purpose of the deployment of the sanitary pass as a tool for access control is not in the spirit of restricting the movements of citizens, but rather to promote a responsible movement that can:

- Strengthen collective health;
- Promote the prerequisites for a widespread recovery of economic activity.
- Support the mobility of citizens and residents in Morocco, both nationally and internationally.

In relation to this purpose, the CNDP considers that, despite some improvements to be made, the principle of proportionality, within the mobile application in its current version, is respected:

- The QR code reader for use in Morocco only allows access to the information already available
  and readable in clear on the sanitary pass. No connection to any server is operated. Therefore,
  no traceability of citizens' movements is deployed through this channel.
- The QR code reader for use in Europe requires a connection to servers managed by European authorities, regulated by European laws on personal data protection. This QR code for use in Europe is made available to Moroccan citizens for the sole purpose of facilitating their international mobility.



## The requested improvements are:

- Publication of adequate legal mentions.
- Inhibition of the ability to take screenshots that could pave the way to a potential non-civic
  use of the access controller. Inhibiting screenshots will prevent local storage of displayed
  information.

In addition, the CNDP will evaluate with the developers of the mobile application the impact on the protection of personal data in the event that the application is published on the various stores (Google Store, Apple Store, etc.).

The CNDP considers, based on the information currently available, that the use of the mobile application does not present a risk of systematic tracking or access to information other than that already visible to the naked eye on the sanitary pass.

The CNDP will continue to monitor future developments and will report any identified risk to the data controller and to citizens.

Furthermore, the CNDP is at the disposal of citizens to collect and investigate any complaint relating to a failure to respect personal data.

The CNDP draws the attention of the various institutions, organizations and companies to the spirit of the current deployment of the health pass, which must not result in any storage.

For example, the actors who decide to store the health passes of their employees, or the information contained therein, become de facto data controllers within the scope of Law 09-08, and must therefore comply by making the necessary notifications of data processing to the CNDP.

## Regarding the other elements of the debate:

- Obligation or not of the vaccination: This point is not within the competence of the CNDP which relies on the sanitary authorities to treat this subject.
- Empowerment of access controllers to ask for the presentation of the national ID: the CNDP considers that the subject is related to the fear of the citizens to see their identification number accessible by non-authorized actors increasing the risk of reusing this identification number for other purposes. This point must be studied seriously, especially if this practice becomes part of our daily life, beyond the period of the sanitary emergency. The implementation of a sector-specific identifier for the sanitary pass may be a solution.
- Importance of prior preparation and upstream information to allow the necessary time for the
  preparation of the deployment: This point is not within the scope of competence of the CNDP.
   The CDAI (Commission du Droit d'Accès à l'Information) will express itself on the subject in the
  next few days.

Therefore, the CNDP decides to launch a consultation on the establishment of a sectorial identifier layer that should protect the existence of a less sectorial identifier necessary for the planning of public policies, for the execution of judicial procedures and elements that may relate to internal or external security issues of the State.



The first steps of this consultation will be the proposal of the creation of a working group with the Ministry of Health and the Ministry of Interior.

Finally, the CNDP requests the Head of Government to organize a governmental seminar dedicated to the definition of an architecture of identifiers from the point of view of personal data protection, in compliance with the Constitution of our country and the international conventions ratified by the Kingdom. The various concepts to be deployed must go beyond a merely technical vision and take into consideration the imperatives of strengthening Digital Trust, a prerequisite for the necessary advances in the responsible deployment of digital technology at the service of our economy and society.