

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Lithuania

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency, including enforcement actions

The Resolution ‘On Declaration of State-Level Emergency (*Dėl valstybės lygio ekstremalios situacijos paskelbimo*)’¹ due to the threat of new coronavirus (COVID-19) adopted by the Government of the Republic of Lithuania on 26 February 2020 was not revoked until 4 May 2020. Furthermore, the Government of the Republic of Lithuania adopted 6 amendments to Resolution ‘On Declaration of Quarantine in the Territory of the Republic of Lithuania (*Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo*)’² (further – Resolution) from 23 March 2020 to 4 May 2020. The duration of the quarantine regime was extended until 11 May 2020.

1.2 Measures affecting the general population

1.2.1 Social distancing

According to updated version of the Resolution ‘On Declaration of Quarantine in the Territory of the Republic of Lithuania’³ people can visit open public places in groups not larger than 2 persons, except for close relatives. They must keep safe distance (more than 2 meters) and limit the physical contact time while communicating with other (less than 15 minutes). Furthermore, people must avoid direct physical contact and comply with personal hygiene requirements. Every person older than 6 years must wear a face masks, respirators or other means covering their nose and mouth in public places with exceptions while eating, exercising, or keeping a distance of 20 metres from other people.

According to amendment⁴ of the Resolution ‘On Declaration of Quarantine in the Territory of the Republic of Lithuania’ the entry into the municipality other than a place of residence was restricted, with exceptions for the cases of death of close relatives, work (when the workplace is in another municipality), necessary medical assistance, or for persons who own a real estate property in other municipality. Restrictions were valid for Easter weekend only (from 20:00 of 10 April 2020 until 20:00 of 13 April 2020).

The Seimas of the Republic of Lithuania (*Lietuvos Respublikos Seimas*) endorsed harsher penalties for breaking coronavirus quarantine rules. Under the adopted amendment of the Code of Administrative

¹ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), Resolution ‘On Declaration of State-Level Emergency’, No. 152 on 26 February 2020. Valid from 26 February 2020 ([*‘Lietuvos Respublikos Vyriausybės 2020 m. vasario 26 d. Nr. 152 „Dėl valstybės lygio ekstremalios situacijos paskelbimo“*](#)).

² Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), Resolution ‘On Declaration of Quarantine in the Territory of the Republic of Lithuania’, No. 207 on 14 March 2020. Valid from 2020 March 15 ([*‘Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“*](#)).

³ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), Resolution ‘On Declaration of Quarantine in the Territory of the Republic of Lithuania’, No. 207 on 14 March 2020. Updated version valid from 30 April 2020 to 4 May 2020 ([*‘Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“*](#)).

⁴ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), ‘Amendment of the Resolution 14 March 2020 No. 207 ‘On Declaration of Quarantine in the Territory of the Republic of Lithuania’, No. 345 on 8 April 2020. Valid from 8 April 2020 ([*‘Dėl Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimo Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“ pakeitimo*](#)).

Offences⁵, fines for breaking the quarantine rules will range from 500 to 1,500 euros for individuals and from 1,500 to 6,000 euros for businesses. Police will be given the right to impose fines. Before the amendment fines ranged up to 140 euros for individuals and 600 euros for businesses, while only public health bodies can give them. This amendment was widely discussed in the Lithuanian Parliament and national media. According to Lithuanian Radio and Television⁶ the changes were adopted in response to the controversy surrounding the mandatory quarantine of people returning to Lithuania. Previously, the government cancelled its decision to isolate all returnees for 14 days in municipal facilities. Now, all people returning to Lithuania are required to self-isolate at home. The municipality is required to provide a 14-day accommodation if the home isn't suitable for self-isolation. Furthermore, the Seimas of the Republic of Lithuania adopted the amendment of penal code⁷. People who have been informed about having an infectious disease, about the necessary protective measures, but who continued to be in touch with other people, thereby causing a risk of infection to others, can now face up to a year in prison⁸. Before the amendment imprisonment was not imposed for such crime.

1.2.2 Education

According to the Resolution on declaration of quarantine article 3.3⁹ all educational activities in schools has to be replaced by distance learning. School holidays were announced in all public schools from March 13 to March 27. Public schools has started distance learning from March 30¹⁰. The Minister of Education, Science and Sport announced that public schools are able to decide to end the school year until 1 June 2020 if the education process has been intensified throughout the school year and the program is completed¹¹. The Minister of Education, Science and Sport of the Republic of Lithuania took measure to provide computers and internet to those households which did not possess the online learning facilities in order to ensure distance learning for 35,000 children from socially

⁵ Lithuania, The Seimas of the Republic of Lithuania (*Lietuvos Respublikos Seimas*), 'Amendment of Code of Administrative Offences of the Republic of Lithuania Article No. 45, 46, 96, 506, 526, 589, and 608', No. XIII-2830, on 31 March 2020. Valid from 2 April 2020 ([*Lietuvos Respublikos administracinių nusižengimų kodekso 45, 46, 96, 506, 526, 589 ir 608 straipsnių pakeitimo įstatymas Nr. XIII-2830*](#)).

⁶ Beniušis, V. (2020), 'Lithuanian parliament adopts €6,000 fines for breaking quarantine rules', *Lithuanian Radio and Television* ([*Lietuvos radijas ir televizija*](#)) published on 1 April 2020.

⁷ Lithuania, The Seimas of the Republic of Lithuania (*Lietuvos Respublikos Seimas*), 'Amendment of Penal Code of Administrative Offences of the Republic of Lithuania Article No. 277, No. XIII-2866, on 28 April 2020, not yet valid (not yet signed by the President) ([*Lietuvos Respublikos baudžiamojo kodekso 277 straipsnio pakeitimo įstatymas Nr. XIII-2866*](#)).

⁸ Lithuanian Radio and Television ([*Lietuvos radijas ir televizija*](#)) (2020), 'Lithuania makes breaking self-isolation rules a criminal offence', published on 28 April 2020.

⁹ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania', No. 207 on 14 March 2020. Valid from 2020 March 15 ('[*Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“*](#)).

¹⁰ Lithuania, The Ministry of Education, Science and Sport of the Republic of Lithuania (*Lietuvos Respublikos Švietimo, mokslo ir sporto ministerija*) (2020), 'Information Related to Coronavirus' published on website on 18 March 2020 ([*Informacija dėl koronaviruso*](#)).

¹¹ Lithuania, The Ministry of Education, Science and Sport of the Republic of Lithuania (*Lietuvos Respublikos Švietimo, mokslo ir sporto ministerija*) (2020), 'Minister A. Monkevičius: we propose to organize education until June 1; later, if the school decides, education can continue', published on website on 17 April 2020 ([*Ministras A. Monkevičius: siūlome ugdymą organizuoti iki pat birželio 1 d., vėliau mokyklai nusprendus gali tęstis ugdymas, vykti neformalaus švietimo veiklos, individualios konsultacijos vaikams*](#)).

disadvantaged groups¹². Joint NGOs initiative has created an online platform 'School at Home'¹³ ('*Mokykla namuose*') where children and schools can get or borrow a tablet or a computer.

According to the updated version of the Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania' article 3.4.¹⁴, if necessary, healthcare professionals and other medical staff may be temporarily transferred to another healthcare institution or their job functions may be temporarily changed to ensure the proper organization of healthcare. The media reported¹⁵, that healthcare professionals and other medical staff has faced difficult working conditions during the quarantine period. Organizations of Lithuanian healthcare workers have called on the country's leaders to do more to protect medical professionals dealing with the COVID-19 epidemic, as the virus is spreading among them at an alarming rate. According to the letter signed by 12 medical organizations¹⁶, 12% of all infected cases were medical staff. It was stressed that 'protective measures for medical professionals are not sufficient' in Lithuania. Due to social pressure the Lithuanian parliament decided to increase salaries from 60% to 100% for all healthcare workers working in coronavirus hotspots during the quarantine on 7 April 2020.

1.2.3 Work

According to NGO National Network of Poverty Reduction Organisations (*Nacionalinis skurdo mažinimo organizacijų tinklas*) quarantine measures such as kindergarten and school closures may have a negative effect on people in precarious work and essential workers, families with children, especially with disabilities, single mothers and fathers¹⁷. According to the amendment¹⁸ of the Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania' article 1.13 childcare for children of essential workers has to be organized in schools and nurseries so that their parents can continue working. This care applies to children with both their parents in essential jobs. Parents must present a certificate from their employers which provides the statement that the person should be present at his or her workplace and cannot perform the work remotely. The certificates should be submitted by both parents¹⁹. There was no such option for essential workers from 14 March 2020 to 26 April 2020.

¹² Lithuania, The Ministry of Education, Science and Sport of the Republic of Lithuania (*Lietuvos Respublikos Švietimo, mokslo ir sporto ministerija*) (2020), 'Another 5,000 Computers for Children from Socially Disadvantaged Families', published on website on 9 April 2020 ([Mokiniams iš socialiai jautrių šeimų – dar 5 tūkst. kompiuterių](#)).

¹³ 'School at Home' ('*Mokykla namuose*') (2020) online platform.

¹⁴ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania', No. 207 on 14 March 2020. Updated version valid from 30 April 2020 to 4 May 2020 ('*Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“*').

¹⁵ BNS (2020), 'Lithuania's medical workers demand better protection from coronavirus', Lithuanian Radio and Television (*Lietuvos radijas ir televizija*) published on 7 April 2020.

¹⁶ BNS (2020), 'Lithuania's medical workers demand better protection from coronavirus', Lithuanian Radio and Television (*Lietuvos radijas ir televizija*) published on 7 April 2020.

¹⁷ NGO National Network of Poverty Reduction Organisations ((2020) open statement No. NSMOT 20/03/17/1 published on 17 March 2020 on official website (*Dėl Lietuvos Vyriausybės svarstomo ekonominių ir finansinių priemonių plano visuomenės sveikatos apsaugai užtikrinti ir šalies ekonomikai skatinti*).

¹⁸ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), 'Amendment of the Resolution 14 March 2020 No. 207 'On Declaration of Quarantine in the Territory of the Republic of Lithuania', No. 398 on 22 April 2020. Article 1.13 valid from 27 April 2020 ('*Dėl Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimo Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“ pakeitimo*').

¹⁹ Lithuania, The Ministry of Health of the Republic of Lithuania (*Lietuvos Respublikos Sveikatos apsaugos ministerija*) (2020), Decree 'On the Measures Concerning the Management of COVID-19 Disease (Corona Virus

1.2.4 Access to justice

The Judicial Council²⁰ restricted access to court facilities and stopped giving direct services to persons during the quarantine period. The chairman of the Judicial Council Algimantas Valantinas has recommended to cancel all scheduled hearings in oral procedure during quarantine, except in cases of statutory urgency (for example, issues related to arrest, removal of a child from an unsafe environment), postpone hearings in oral proceedings until the end of quarantine. In urgent cases, organize oral hearings in the manner and time scheduled, taking all precautionary measures relating to the prevention of the spread of COVID-19, while maintaining a maximum distance between the participants in the courtroom. As the National Court Administration informed there was no recommendation on the use of alternatives to detention.²¹ The Judicial Council²² decided to renew giving direct services and court hearings with some recommendations related to physical distancing, personal hygiene, and participation in hearings remotely when the quarantine measures were mitigated from 27 April 2020.

The Judicial Council made recommendations to the Lithuanian courts to allow sending procedural documents by e-mail in all cases during the quarantine period. The chairman of the Judicial Council Algimantas Valantinas²³ has recommended to evaluate the breaking of the deadline for submission of procedural documents to the court very 'carefully and informally', taking into account the impact of the state of emergency declared in the country and the restrictions applied to the activities of all persons and state institutions.

1.2.5 Freedom of movement

According to updated version of Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania' article 3.1.²⁴ entering the country for all non-citizens of the Republic of Lithuania remains prohibited during the quarantine regime. Exceptions for entering the Republic of Lithuania were made for persons who have the right to reside in the Republic of Lithuania, drivers and crew members of cargo transport, diplomats, NATO military personnel and their families, some health care professionals. Transit through the territory of the Republic of Lithuania is allowed for persons returning to their country of residence or due to a motivated request of a foreign state. Transit from the territory of the Russian Federation to the Kaliningrad region of the Russian Federation and back through the territory of the Republic of Lithuania shall be carried out only through the Kena railway border checkpoint and Kybartai railway border checkpoint under the conditions established by the Minister of Foreign Affairs of the Republic of Lithuania. Leaving the country for the citizens of the

Infection) in Childcare Facilities', No. V-977 on 23 April 2020. Valid from 27 April 2020 ([*Dėl COVID-19 ligos \(korona viruso infekcijos\) valdymo priemonių vaikų priežiūros organizavimui įstaigose*](#)).

²⁰ Lithuania, The Judicial Council (2020), '[Regarding the exercise of judicial functions during the quarantine period](#)', press release published on 24 March 2020.

²¹ Phone communication with the National Court Administration, 6 May 2020.

²² Lithuania, The Judicial Council (2020), 'On the exercise of judicial functions after the softening of quarantine measures' No. 36P-78-(7.1.10), released on 27 April 2020. ('[Dėl teismų funkcijų vykdymo sušvelninus karantino sąlygas](#)').

²³ Lithuania, The Judicial Council (2020), '[The Judicial Council recommends allowing procedural documents to be submitted by e-mail and assessing of missed deadline informally](#)', press release published on 25 March 2020.

²⁴ Lithuania, The Government of the Republic of Lithuania (Lietuvos Respublikos Vyriausybė) (2020), Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania', No. 207 on 14 March 2020. Updated version valid from 30 April 2020 to 4 May 2020 ('[Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“](#)').

Republic of Lithuania remained prohibited with exceptions of persons who go back to their place of residence, go to their workplace, or have special permission of State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania until the 3 May 2020. The article restricted leaving the country for the citizens of the Republic of Lithuania was revoked from 4 May 2020²⁵.

The town of Nemenčinė was locked down because of a local outbreak of COVID-19. It was prohibited to enter the town of Nemenčinė with exceptions for residents, persons who are working in Nemenčinė, and those holding a permission issued by the National Public Health Centre under the Ministry of Health from 16 April 2020, 07:00 until 24 April 2020, 24:00. It was also prohibited to leave the town with exceptions for persons working outside Nemenčinė, persons from other territories who work in Nemenčinė, the persons travelling to another territory for urgent medical assistance, also those holding a permission issued by the National Public Health Centre²⁶.

The interviewed expert from the Lithuanian Red Cross reported few changes in the rules for asylum applicants during the quarantine. Firstly, entrance to the Republic of Lithuania was prohibited for all foreigners including asylum seekers. Secondly, foreigners living in the Foreigners' Registration Centre are allowed to go out to the city only once in a week for 1 hour during the quarantine period. Thirdly, the Migration Department does not accept request for asylum during quarantine.²⁷

The Migration Department released an information²⁸ that foreigners, whose period of legal residence in Lithuania has expired during the declared quarantine and who were unable to depart from the Republic of Lithuania in due time through no fault of their own, will not be subject to the return decisions, as well as administrative liability for irregular stay.

1.3 Impact of measures on particular groups

According to the Office of the Equal Opportunities Ombudsperson women may become the main victims of the social consequences of coronavirus pandemic²⁹. Quarantine measures introduced across the country are likely to lead to an increase in domestic violence against women. The media reported³⁰ that from the beginning of the quarantine rates domestic violence against women in the country has increased by 20%. Another issue related to violation of humans rights and widely discussed in national

²⁵ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), 'Amendment of the Resolution 14 March 2020 No. 207 'On Declaration of Quarantine in the Territory of the Republic of Lithuania', No. 428 on 29 April 2020, updated version valid from 04 May 2020 ('[Dėl Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimo Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“ pakeitimo](#)').

²⁶ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), '[Quarantine announced throughout the territory of the Republic of Lithuania \(attached resolution\)](#)', press release published on 29 April 2020.

²⁷ Email communication with the experts of the Lithuanian Red Cross on 6 May, 2020.

²⁸ Lithuania, the Migration Department under the Ministry of the Interior of the Republic of Lithuania (2020), '[Legal Status of Foreigners in the Republic of Lithuania during the Quarantine](#)', press release published on 22 April 2020.

²⁹ Lithuania, Office of the Equal Opportunities Ombudsperson (2020), '[Women, may become main victims of the social consequences of coronavirus](#)', press release published on 2 April 2020.

³⁰ LRT (2020), 'With the increase in domestic violence, Vilnius Women's House calls on state institutions to ensure protection', *Lithuanian Radio and Television* ([Lietuvos radijas ir televizija](#)), published on 5 April 2020.

media³¹ is the restriction to participate in birth for partners or other relatives. The only persons allowed to enter the clinic are expectant mothers themselves during the quarantine. Group of NGOs has raised concern about this restriction and published an open statement³² to public authorities. NGOs appealed to ensure the protection of women's reproductive rights in maternity hospitals. The Ministry of Health of the Republic of Lithuania reacted to the statement by suggesting 'to use a mobile device or computer to keep in touch with relatives'³³ while giving a birth. Another issue widely discussed in national media was the restriction of access to safe and legal abortion during quarantine³⁴. The Minister of Health Aurelijus Veryga stated that 'perhaps this may be the right time to reconsider such a decision not to terminate that pregnancy'. Human right NGOs and more than 10,000 people signed a petition and 'condemned such a statement by the Minister'³⁵.

The Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania' articles 3.5.1 and 3.5.3.³⁶ restricted activities for people with disabilities and the elderly in day-care centres; visiting of older person in all inpatient social services, families, group, and community homes were prohibited. The President of the Republic of Lithuania Gitanas Nausėda expressed his concern about the problematic issues related to the persons with disabilities³⁷. The President highlighted the problem of restricted access to necessary social and educational services for disabled people. He argued that COVID-19 crisis has exposed the fail to implement institutional care reform, the lack of community-based and personalized services. The President discussed this situation with the representatives of national NGOs, United Nations Committee on the Rights of Persons with Disabilities, and National Association of Municipalities. Group of more than 200 NGOs released an open statement-recommendations³⁸ related to social consequences of pandemic and quarantine for public authorities. It stated the importance of helping the most vulnerable groups such as people with disabilities and elderly people and provided recommendations to be introduced to facilitate their situation. These cover financial support measures and adequate access to necessary social services.

³¹ Kristina Karlonė, LRT (2020), 'The ban on participating in childbirth during quarantine was outrageous - the mother spoke about the violated rights', Lithuanian Radio and Television ([Lietuvos radijas ir televizija](#)), published on 13 April 2020.

³² Alliance of Maternity Care Initiatives (*Motinystė globojančių iniciatyvų sąjunga*) (2020), '[On the Participation of a Relative in Birth During the Quarantine](#)', published on 9 April 2020.

³³ Lithuania, The Ministry of Health of the Republic of Lithuania (*Lietuvos Respublikos Sveikatos apsaugos ministerija*) (2020), '[Letter to Alliance of Maternity Care Initiatives](#)', No. (10.1.1.20)10-2856, 21 April 2020.

³⁴ Gintarė Bakūnaitė (2020), '[Women who are not admitted to abortions 'cope on their own': the consequences can be very painful](#)', DELFI, published on 15 April 2020.

³⁵ Lithuania, Human Rights Monitoring Institute, Center for Equality Advancement (2020), Petition '[#It'sNotYourBusinessMinister](#)' ('#NeMinistroReikalas'), released on 15 April 2020.

³⁶ Lithuania, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020), Resolution 'On Declaration of Quarantine in the Territory of the Republic of Lithuania', No. 207 on 14 March 2020. Valid from 2020 March 15 ('[Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“](#)').

³⁷ Lithuania, The President of the Republic of Lithuania (2020). '[President: People with disabilities may be hit hardest by this crisis](#)', press release, published on 21 April 2020.

³⁸ Group of NGOs (2020), '[We will save people - we will save Lithuania](#)', an open statement-recommendations published on 8 April 2020.

2 Users' data - privacy and data protection

The State Data Protection Inspectorate of the Republic of Lithuania has updated (released on 13 March 2020) the statement³⁹ related to the current situation due to COVID-19 on the institutional webpage. Information in the statement addressed employers, educational institutions, and other public and private sector organizations. This statement includes the information on what personal data can be processed due to COVID-19, whether personal data can be disclosed to public authorities for public health purposes, what actions should be avoided, and where to find additional information related to personal data protection and European Data Protection Board. The State Data Protection Inspectorate stressed that 'data protection rules such as General Data Protection Regulation do not preclude measures to fight the COVID-19 pandemic'. Three documents (recommendations) related to data protection issues were added to updated statement: (1) 'Three Steps to Organising Distance Learning'⁴⁰, (2) 'Personal Data Processing while Organising Work Remotely'⁴¹ and (3) 'Employees Personal Data Processing after the Amendments of the Labour Code Related to Quarantine Coming into Force'⁴².

2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data

The Government of the Republic of Lithuania in cooperation with Vilnius municipality, National Public Health Center under the Ministry of Health, Hospital of Lithuanian University of Health Sciences Kaunas Clinics and IT company 'Latgala' have introduced mobile application 'Carantine' ('*Karantinas*')⁴³. It is available to download at 'App Store' and 'Google Play' for free. Users, who consent to the transfer of data, every day will be able to find information on health challenges, recommendations from the World Health Organization on how to reduce the spread of the virus, where to go if the first symptoms occur, tips on staying healthy and boosting immunity at home. Application '*Karantinas*' allows to track the location and health status of users during the quarantine period. The application provides COVID-19 related information to its users. The application '*Karantinas*' is based on location (GPS) data⁴⁴. The application includes sharing of health data, such as reporting of symptoms⁴⁵. Quarantine app will be rewarded with points that they will be able to exchange for awards and discounts in the app store. It should be noted that the app does not provide

³⁹ Lithuania, The State Data Protection Inspectorate of the Republic of Lithuania (*Valstybinė duomenų apsaugos inspekcija*) (2020) statement 'Personal Data Protection and Coronavirus COVID-19' („[Asmens duomenų apsauga ir koronavirusas COVID-19](#)“) released on the official website on 22 April 2020.

⁴⁰ Lithuania, The State Data Protection Inspectorate of the Republic of Lithuania (*Valstybinė duomenų apsaugos inspekcija*) (2020) recommendations 'Three steps to organizing distance learning' ('[Trys žingsniai dėl nuotolinio mokymosi organizavimo](#)') released on 4 April 2020.

⁴¹ Lithuania, The State Data Protection Inspectorate of the Republic of Lithuania (*Valstybinė duomenų apsaugos inspekcija*) (2020) recommendations 'Personal Data Processing while Organising Work Remotely' ('[Darbuotojų asmens duomenų tvarkymas, organizuojant darbą nuotoliniu būdu](#)') released on 9 April 2020.

⁴² Lithuania, The State Data Protection Inspectorate of the Republic of Lithuania (*Valstybinė duomenų apsaugos inspekcija*) (2020) recommendations 'Employees Personal Data Processing after the Amendments of the Labour Code Related to Quarantine Coming into Force' ('[Darbuotojų sveikatos duomenų tvarkymas, įsigaliojus Darbo kodekso pataisoms dėl karantino](#)') released on 14 April 2020.

⁴³ Lithuanian, The Government of the Republic of Lithuania (*Lietuvos Respublikos Vyriausybė*) (2020) 'Useful and Meaningful Self-Isolation - With the Mobile App 'Quarantine' ('[Naudinga ir turininga saviizoliacija – su mobiliąja programėle „Karantinas“](#)') press release published on 7 April 2020.

⁴⁴ Information received via phone call from application '*Karantinas*' developer UAB 'Latgala' on 11 May 2020.

⁴⁵ Information received via phone call from application '*Karantinas*' developer UAB 'Latgala' on 11 May 2020.

medical advice yet, therefore for any symptoms of feeling unwell, a person should call the Coronavirus Hotline 1808 immediately⁴⁶. According to the Government's press release, it may be very useful for truck drivers who has to be quarantined for 14 days after coming home to Lithuania. There were 5,500 'Karantinas' users on 17 April 2020⁴⁷. The code of application 'Karantinas' was not publicly available.

2.2 Legal framework enabling collection, processing, sharing and storage of user data

The draft amendment of the Law of Electronic Communication were introduced to the Lithuanian parliament on 31 March 2020⁴⁸. The amendment would allow state institutions to track people's location. Lithuanian Transport Minister Jaroslav Narkevič said that the bill comes in response to the fast spread of COVID-19 and related threats and it is necessary to make sure that people followed self-isolation rules during the quarantine⁴⁹. Under the proposal, phone service providers would have to disclose location data of people whose movement should be restricted during wartime, a state-level emergency or quarantine. The data would have to be provided immediately upon receipt of a motivated request in writing or through electronic means. The data should be destroyed when the quarantine, emergency situation or the state of war is lifted. The draft amendment became the object of discussions in the Lithuanian parliament and media and was not yet adopted. To the date telecommunication companies are not sharing aggregate traffic data with state authorities related to quarantine measures.

The use of application 'Karantinas' is voluntary. To our knowledge no additional legislation has been passed allowing using of application 'Karantinas' as it was considered redundant.

2.3 Privacy and data protection concerns and possible solutions

Union of Medical Doctors of Santara Clinics (*Santaros klinikų gydytojų sąjunga*), Lithuanian Medical Movement (*Lietuvos medikų sąjūdis*), and Evidence-Based Medicine Group (*Įrodymais pagrįstos medicinos grupė*) released an open statement⁵⁰ to members of Lithuanian parliament regarding to draft amendment of the Law of Electronic Communication⁵¹. According to the statement the text of

⁴⁶ [Useful and meaningful self-isolation with a mobile app Quarantine](#)

⁴⁷ Jurčenkaitė, I. (2020), 'Quarantine app has more than 5.5 thousand users: J.Narkevičius says this is not enough', '15min', (['Programėlė „Karantinas“ turi daugiau nei 5,5 tūkst. gyventojų: J.Narkevičius sako, kad to nepakanka'](#)) published on 17 April 2020.

⁴⁸ Lithuania, The Seimas of the Republic of Lithuania (*Lietuvos Respublikos Seimas*) (2020) 'Project of Amendment of the Law of Electronic Communication Article No. 68 No. IX-2135' (['Elektroninių ryšių įstatymo Nr. IX-2135 68 straipsnio pakeitimo įstatymo projektas'](#)) registered on 31 March 2020.

⁴⁹ Andrukaitytė, M. (2020), 'Lithuanian government eyes powers to track people's location Lithuanian public broadcaster', Lithuanian Radio and Television ([Lietuvos radijas ir televizija](#)) published on 31 March 2020.

⁵⁰ Union of Medical Doctors of Santara Clinics (*Santaros klinikų gydytojų sąjunga*), Lithuanian Medical Movement (*Lietuvos medikų sąjūdis*), and Evidence-Based Medicine Group (*Įrodymais pagrįstos medicinos grupė*) (2020), 'Open Statement Regarding to Project of Amendment of the Law of Electronic Communication Article No. 68 No. IX-2135' (['Dėl Elektroninių ryšių įstatymo Nr. IX-2135 68 str. pakeitimo projekto'](#)) released 7 April 2020.

⁵¹ Lithuania, The Seimas of the Republic of Lithuania (*Lietuvos Respublikos Seimas*) (2020) 'Project of Amendment of the Law of Electronic Communication Article No. 68 No. IX-2135' (['Elektroninių ryšių įstatymo Nr. IX-2135 68 straipsnio pakeitimo įstatymo projektas'](#)) registered on 31 March 2020.

amendment does not meet the Constitution of the Republic of Lithuania and fundamental human rights and freedoms. It would allow unlimited and mass prosecution of Lithuanian residents.

Members of the opposition parties believe that the amendment of the Law of Electronic Communication would legalise widespread surveillance and would constitute a gross violation of human rights. Parliament member Andrius Mazuronis from the non-affiliated political group said the proposal was 'a widespread surveillance without any sanctions, without any offences, and a complete violation of people's right to private life'⁵².

Lithuanian news media have paid attention to the potential violations of personal data privacy due to legislative changes introduced by the Minister of Transport and Communications. National media websites such as official website of Lithuanian Radio and Television⁵³ and '15min'⁵⁴ reported that amendments allowing to disclose location data of people may potentially have a negative effect on the right to data protection.

State Data Protection Inspectorate of the Republic of Lithuania was not involved in assessing the application 'Karantinas' before or after its release. To the date there was no reaction regarding this application in the website of State Data Protection Inspectorate⁵⁵. As the State Data Protection Inspectorate informed currently the assessment of the application "Quarantine" is in progress.⁵⁶

2.4 Any other privacy and data protection concerns

According to the amendment of Labour Code related to quarantine 'employers must offer distance working for employees whose health condition may be dangerous for other employees'⁵⁷ during the quarantine. Legislative changes came into force from 19 March 2020. According to recommendations released by the State Data Protection Inspectorate of the Republic of Lithuania⁵⁸ employees should inform the employer about the fact (or potential risk) of the contagious illness. However, employees should not be required to complete declarations, questionnaires or otherwise provide information about their health.

⁵² Andrukaitytė, M. (2020), 'Lithuanian government eyes powers to track people's location Lithuanian public broadcaster', Lithuanian Radio and Television ([Lietuvos radijas ir televizija](#)) published on 31 March 2020.

⁵³ Andrukaitytė, M. (2020), 'Lithuanian government eyes powers to track people's location Lithuanian public broadcaster', Lithuanian Radio and Television ([Lietuvos radijas ir televizija](#)) published on 31 March 2020.

⁵⁴ Jurčenkaitė, I. (2020), 'Quarantine app has more than 5.5 thousand users: J.Narkevičius says this is not enough', '15min', (["Programėlė „Karantinas“ turi daugiau nei 5,5 tūkst. gyventojų: J.Narkevičius sako, kad to nepakanka"](#)) published on 17 April 2020.

⁵⁵ Lithuania, The State Data Protection Inspectorate of the Republic of Lithuania ([Valstybinė duomenų apsaugos inspekcija](#)) (2020) official website, 11 May 2020.

⁵⁶ Email communication with the State Data Protection Inspectorate, 11 May, 2020.

⁵⁷ Lithuania, The Seimas of the Republic of Lithuania (*Lietuvos Respublikos Seimas*) (2020) 'Amendment of Labour Code of the Republic of Lithuania Article No. 47 and 49' (["Lietuvos Respublikos darbo kodekso 47 ir 49 straipsnių pakeitimo įstatymas"](#)).

⁵⁸ Lithuania, The State Data Protection Inspectorate of the Republic of Lithuania (*Valstybinė duomenų apsaugos inspekcija*) (2020) recommendations 'Employees Personal Data Processing after the Amendments of the Labour Code Related to Quarantine Coming into Force' (["Darbuotojų sveikatos duomenų tvarkymas, įsigaliojus Darbo kodekso pataisoms dėl karantino"](#)) released on 14 April 2020.