

Timeline for the EMS-Scandal

What is the EMS? The Epidemiological Reporting System (EMS) records all notifiable cases of disease in Austria (AIDS, COVID-19, hepatitis, gonorrhoea, etc.). The complete Central Register of Residents (ZMR) is also connected, including all blocked addresses (diplomats, actors, stalking victims, etc.).

November 2021	Enquiry by DerStandard to epicenter.works regarding technical & data protection assessment of a critical security gap in the Epidemiological Reporting System.
December 2021	Verification and documentation of the security vulnerability caused by carelessness. As a result, all EMS data and entry options were accessible to an undetermined number of people for months.
14. December 2021	Ministry of Health and CERT.at are informed of the vulnerability and close it on 15 December.
16. December 2021	After the vulnerability is closed, DerStandard ¹ and epicenter.works ² make it public.
23. December 2021	Two high-ranking officials in the Ministry of Health file charges of hacking (§ 118a StGB) and authorise prosecution against us on behalf of the minister. Without this authorisation, prosecution would not be possible.
15. December 2022	We are informed for the first time of the complaint and the investigation proceedings against us. (With a delay of one year)
22. December 2022	We are getting legal representation and are writing an open letter to Health Minister Rauch. ³ In the letter, we ask that the authorisation to prosecute us be withdrawn. We warn of the deterrent effect on civil society and security research. (Minister Rauch does not reply to us.)
~ April 2023	The public prosecutor wants to discontinue the proceedings against us. However, this "clamorous proceeding" is subject to reporting and the chain of command (senior public prosecutor's office, Federal Ministry of Justice) must first authorise this. (We wait almost a year for the ministry of justice.)
16. February 2024	The proceedings against us are finally dropped after more than two years.
30. April 2024	We are going public with this case for the first time.

The legal costs of this incident amount to € 8,400 and were fortunately covered by our special legal expenses insurance. The personnel costs of € 6,480 must be borne by our organisation, which is financed by donations. Even worse, however, is the deterrent effect on all other security researchers and NGOs who will probably no longer report similar security breaches to those responsible for fear of prosecution. Under the current legal situation, morally correct behaviour is punished, which makes us all less safe.

¹ <https://www.derstandard.at/story/2000131971545/massive-sicherheitsluecke-im-zentralen-corona-register-legte-daten-offen>

² <https://epicenter.works/content/datenskandal-im-epidemiologischen-meldesystem-ems>

³ https://epicenter.works/fileadmin/user_upload/Letter_to_Minister_Rauch.pdf