

Covid-19, Data Protection and Contact Tracing- Ireland

22nd March 2020

Introduction

Contact tracing is one of the key strategies that the Irish Government is using to address the Covid-19 pandemic. Contact tracing is being conducted by a multi-disciplinary team under the guidance of the HSE. The HPSC guidance¹ states

“All persons identified as having had contact with a confirmed case or a highly likely suspected case should be assessed to see if they should be classified as a close or casual contact.

A contact tracing form should be completed for each contact to collect relevant demographic, epidemiological and exposure data”².

Covid-19 and Contact Tracing

On March 20th2020, the HSE announced that it is developing a national rapid, large scale system of notification and contact management. “It has been designed, and has been built, to have the capacity to communicate with tens of thousands of contacts per day”³. People may be contacted by phone or text message through this programme to inform them that they may be a close or casual contact of someone who has contracted Covid-19.

As a business, you need to consider how you will manage personal information if contacted regarding possible exposure to Covid-19.

Transparency

It vital to plan how you will manage personal information of staff, third party contractors and customers. You need to develop and share your procedures so that all parties are aware of your responsibilities to process personal information to prevent the spread of Covid-19 and how you will do this in a manner that is still compliant with Data Protection Legislation

How to manage personal data

The Data Protection Commission (DPC) has produced guidance about managing personal data, including the lawful basis, and the obligations of lawfulness, transparency, confidentiality and data minimisation. See <https://dataprotection.ie/en/news-media/blogs/data-protection-and-covid-19>

The DPC state that “Employers...have a **legal obligation** to protect their employees under the Safety, Health and Welfare at Work Act 2005 (as amended). This obligation together with Article 9(2)(b) GDPR

¹ [Novel Coronavirus 2019 \(COVID-19\) National Interim Guidelines for Public Health management of contacts of cases of COVID-19](#)

² The form can be found at [Covid-19 Case Form](#)

³ [COVID-19 National Result Notification and Contact Management Programme \(CMP\)](#)

provides a legal basis to process personal data, including health data, where it is deemed **necessary and proportionate** to do so.”

Therefore, if you or an employee are contacted regarding possible exposure to Covid-19, you need to have considered and robust procedures in place for processing personal data.

Points to consider before disclosing personal data for contact tracing

- **Verify:** Do not disclose personal information without first ensuring that you are being contacted by an authorised person. Confirm the identity of the person contacting you. Document their name, work location, date and time of contact for accountability.
- **Minimise:** Share only the information that is requested. If you are not sure why you are being asked to share personal information, ask for clarification. Document the type of information requested and any clarification to any questions.
- **Safeguard:** Consider how you will keep information safe and secure. As an employer, you may need to record information on personnel files or in other communications. You and your workforce may be working remotely. You should have a policy and procedures in place to keep this information safe. For more see this guidance from the DPC <https://dataprotection.ie/en/protecting-personal-data-when-working-remotely-0>
- **Confidentiality:** All information must be processed in a manner that ensures security of the personal data. The identity of affected individuals **should not be disclosed** to any third parties or to their colleagues without a clear justification.
- **Erasure:** Safely dispose of all records from all locations, digital and paper once no longer necessary.
- **Accountability:** Document all actions and decisions taken regarding the processing of personal data in response to Covid-19

Communication

Have you a plan to communicate with staff or other parties if you are contacted about exposure to Covid-19?

- Develop a template document to inform staff, customers and third parties. This is important in order to ensure that a person is not identifiable through the information you transmit. See HPSC Guidance for template letters which demonstrates how to phrase information in a non-identifiable manner.
- Develop and disseminate guidelines regarding non-disclosure of personal data to prevent data breaches. This includes through social media channels, both private and professional, and comments sections of media platforms.

Customer Data

Is there a risk that your customers have been exposed to Covid-19? If there is, you may be required to share their personal data with public health authorities. This is again covered through the guidance of the Data Protection Commission and a procedure should be constructed based on the points outlined above.

Other Regions

Does your business operate outside of Ireland? Different countries may enact specific protocols in response to Covid-19, and you need to be aware of any that impact on your staff, customers or third parties. See [Global Privacy Assembly Data Protection and Covid-19 Resources](#) for individual country DPA guidance and other resources.

About EADPP

The primary aim of the EADPP is to facilitate, organise, structure, and represent European data protection professionals based on European perspectives and the principles of the GDPR.

The EADPP cordially invites all data protection professionals active within the EEA to apply for membership of the European Association of Data Protection Professionals. If you are interested to join this unique EU-based initiative, you can apply [here](#).

Website: www.eadpp.eu

LinkedIn: <https://www.linkedin.com/company/european-association-of-data-protection-professionals/>

Published by:

This guidance has been issued by the Irish Branch of EADPP, focusing on the Irish situation. In other countries different guidance will apply.