



## Coronavirus and data protection – Guidance by data protection authorities

The table below sets out the guidance provided by data protection authorities in relation to the processing of personal data in the context of the fight against the coronavirus (COVID-19) across various jurisdictions. The table is colour-coded by reference to the position expressed by each data protection authority.

**Restrictive** approach to data processing activities

**Neutral** approach to data processing activities

**Permissive** approach to data processing activities

Jurisdiction	Guidance	Key messages
Belgium	<a href="#">COVID-19 and processing of personal data at work</a> (in French)	<p>Public health and disease prevention are not incompatible with the right to private life.</p> <p>Evaluation of health risks must be carried out by an occupational health doctor (not businesses or employers) who is competent to detect infections and inform the employer and those who have been in contact with the infected individuals. This processing of personal data can be based on Article 6(1)(c) and 9(2)(b) GDPR.</p> <p>The principles of proportionality, data minimisation and transparency must be observed.</p> <p>General and systematic testing, for example systematic temperature checking of workers and visitors, cannot be considered proportionate.</p> <p>Employers may not compel workers to complete medical questionnaires or questionnaires about their recent travel.</p> <p>In light of the principle of confidentiality (Article 5.1(f) GDPR) and the principle of data minimisation (Article 5.1(c) GDPR), an employer may not reveal the names of the infected employee(s). The employer may only inform other employees of the situation without mentioning the identity of the data subject(s).</p>

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<p><b>Denmark</b></p>	<p><a href="#">How about GDPR and coronavirus?</a> (in Danish)</p>	<p>It may be justified for employers to register and pass on coronavirus information.</p> <p>An employer can to a large extent, if the situation necessitates it, record and disclose information that is not so specific that it can be considered health information.</p> <p>The employer should consider:</p> <ul style="list-style-type: none"> <li>• whether there is a good reason to record or disclose the information in question;</li> <li>• whether it is necessary to specify the information, including whether the purpose can be achieved by "telling less"; and</li> <li>• whether it is necessary to name names (e.g., the name of the person infected and / or in quarantine.)</li> </ul>
<p><b>France</b></p>	<p><a href="#">Coronavirus (Covid-19): reminders from the CNIL on the collection of personal data</a> (in French)</p>	<p>Employers must refrain from collecting in a systematic and generalised manner, or through individual inquiries and requests, information relating to possible symptoms presented by an employee / agent and their relatives. It is therefore not possible to implement, for example:</p> <ul style="list-style-type: none"> <li>• mandatory readings of the body temperatures of each employee / agent / visitor to be sent daily to their hierarchy; or</li> <li>• the collection of medical sheets or questionnaires from all employees / agents.</li> </ul> <p>The assessment and collection of information relating to symptoms of coronavirus and information on the recent movements of certain people is the responsibility of public health authorities.</p>

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<p><b>Germany</b> (Conference of German DPAs) (DPA of Baden-Wuerttemberg)</p>	<p><a href="#">Guidance of the Conference of German DPAs ("Datenschutzkonferenz")</a> (in German)</p> <p><a href="#">Guidance of the DPA of Baden-Wuerttemberg</a> (in German)</p>	<p>Even if the processing of personal data, and particularly health data, is in principle only possible under certain restrictions, personal data may be collected and processed to contain the coronavirus pandemic or to protect employees in accordance with data protection laws. Where personal data is processed for such purpose, the principles of proportionality and the legal basis must always be respected. In particular, the following applies:</p> <ul style="list-style-type: none"> <li>• Employers may collect and process personal data (including health data) of employees and visitors in order to detect whether they tested positive, had contact with an infected person, or stayed in a risk-area (legal bases: Sec. 26(3) FDPA and Art. 9(2)(b) GDPR for employees; Art. 6(1)(f) GDPR, Art. 9(2)(i) GDPR, Sec. 22(1) No 1(c) FDPA for visitors).</li> <li>• Personal data may only be processed for a specific purpose (COVID-19 containment) and must be deleted after the end of the pandemic, at the latest.</li> <li>• Employers are generally not permitted to disclose the name of infected employees, as this could lead to social stigmatization and discrimination. Exceptions may apply where disclosure of the name is necessary in order to allow the employer to take effective precautionary measures.</li> <li>• Employees may be obliged under employment law to inform the employer in case they are infected with the coronavirus. As a consequence, employees may disclose information to their employer about persons they have been in contact with (legal basis: Art. 6(1)(f) GDPR).</li> </ul>
<p><b>Ireland</b></p>	<p><a href="#">Data Protection and COVID-19</a> (in English)</p>	<p>Data protection law does not stand in the way of the provision of healthcare and the management of public health issues.</p> <p>Nevertheless there are important considerations which should be taken into account when handling personal data in these contexts, particularly health and other sensitive data, including: lawfulness, transparency, confidentiality, data minimisation, and accountability.</p>

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<b>Italy</b>	Joint protocol for regulating the measures in order to contrast and to reduce the spread of COVID-19 at the workplaces <sup>1</sup>	<p>Companies are allowed to collect information about COVID-19 symptoms or location of their employees within the anti-contagion safety protocols aimed at combatting and reducing the spread of COVID-19 at the workplace.</p> <p>GDPR privacy principles (e.g., minimisation and retention) and the other relevant requirements (i.e., privacy notice, written instructions to persons in charge, and security measures) must be considered.</p>
<b>Luxembourg</b>	<p><a href="#">Coronavirus (COVID-19): CNPD recommendations relating to the collection of personal data in the context of a health crisis</a> (in French)</p>	<p>While private bodies may implement measures to contain the coronavirus (e.g., travel restrictions, hygiene measures), such measures must take into account the privacy of the data subjects.</p> <p>Organisations should therefore avoid systematic collection of data about coronavirus infection symptoms of employees, externals and relatives, particularly by means of daily body temperature measurements, medical questionnaires which have been prepared in advance, or requesting that visitors sign a pre-written declaration stating that they have no symptoms or that they have not recently been travelling to a risk area.</p> <p>The identity of data subjects (potentially) infected may not be disclosed to third parties or colleagues without clear reasons.</p>
<b>Netherlands</b>	<p><a href="#">My Sick Employee</a> (in Dutch)</p>	<p>Employers should not normally draw conclusions about the health of individual employees, for example by keeping track of where they have been or recording their temperature.</p> <p>However, employers can call in the occupational health and safety service or a company doctor to check for coronavirus.</p>

<sup>1</sup> This protocol, executed between the Government and main trade union associations on 14 March 2020, superseded [initial guidance](#) published by the Italian DPA on 2 March 2020.

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<b>Norway</b>	<a href="#">Coronavirus and privacy</a> (in Norwegian)	<p>Employers can process specific categories of personal data when necessary to carry out employment law duties or rights.</p> <p>Information that someone is infected with the coronavirus is considered health information.</p> <p>Information that an employee has returned from a so-called "risk area" is not to be considered health information.</p> <p>Information that someone has been quarantined (without giving further details on the cause) is not to be considered health information.</p>
<b>Poland</b>	<a href="#">Statement by the President of UODO on the coronavirus</a> (in Polish)	<p>The GDPR cannot be seen as an obstacle to the fight against coronavirus.</p> <p>The provisions of the special COVID-19 act (adopted on 2 March) give the General Sanitary Inspector the right to issue decisions imposing certain preventive obligations on employers, and the Prime Minister may impose certain obligations on all entrepreneurs, both of which correspond with the GDPR provisions (Article 9.2(i) and 6.1(d)).</p> <p>According to Recital 46 GDPR the processing of personal data is also lawful when it is necessary to protect an interest which is essential for the life of the data subject, including monitoring of epidemics and their spread.</p>
<b>Slovakia</b>	<a href="#">Coronavirus and processing of personal data</a> (in Slovak)	<p>Temperature measurements fall within the processing of a special category of personal data, and for the lawful processing of such data, the GDPR provides for special conditions in Article 9 and an exception to the prohibition in Article 6.</p>
<b>Slovenia</b>	<a href="#">Responsible behaviour is crucial during a viral crisis</a> (in Slovenian)	<p>Competent authorities have to make case-by-case assessments and determine what information is needed to protect people's vital interests.</p>

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<b>Russia</b>	<a href="#">Guidance regarding use of thermal imagers and related processing of data on body temperature of employees and visitors</a> (in Russian)	<p>Information about body temperature is a special category of personal data, which can be processed without the consent of the data subject if carried out in accordance with labour legislation.</p> <p>Employers may request information about the health status of their employees.</p> <p>The consent of visitors to allow thermal imaging by an organisation is present in their actions of choosing to visit the organisation.</p> <p>Employees and visitors must be notified that temperatures are being measured.</p> <p>The information should be retained only for one day.</p>
<b>Spain</b>	<a href="#">Report on data processing in relation to COVID-19 and FAQs</a> (in Spanish)	<p>The Spanish DPA appears to favour relying on Art. 6.1(d) GDPR as the legal basis (i.e., where the processing is necessary in order to protect the vital interests of the data subject or of another natural person).</p> <p>Following public authorities directions would generally not entail a breach of GDPR rules.</p> <p>The Spanish DPA is particularly permissible with regard to employees' data. FAQs and the Report foresee the processing of the employees' data by their employer based on legal bases other than their consent (i.e., Occupational Health and Safety Laws).</p> <p>The GDPR principles would still have to be complied with.</p>
<b>Sweden</b>	<a href="#">Coronavirus and personal data</a> (in Swedish)	<p>Information that someone has contracted coronavirus is sensitive personal data, but information that someone has recently returned from a high-risk area is not. Information that someone is in quarantine (without more) is also not sensitive personal data.</p> <p>However, even if information about returning from a high-risk area or being in quarantine is not sensitive personal data, it can still be personal data. There must be a legal basis for processing this data and the fundamental data protection principles must be observed.</p>

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<b>United Kingdom</b>	<p><a href="#">Data protection and coronavirus: what you need to know</a> (in English)</p>	<p>The Government, NHS and health professionals may send public health messages to individuals by phone, text or email, as these do not constitute direct marketing.</p> <p>The ICO will take the compelling public interest in the current health emergency into account regarding compliance. If data protection practices do not meet an organisation's normal standard or if responses to information rights requests take longer, the ICO will not take regulatory action as they understand the need to prioritise other areas.</p> <p>The ICO will tell people that they may experience delays when making information rights requests during the pandemic.</p> <p>Employers should keep staff informed about cases but there is no need to name individuals and employers should not provide more information than is necessary.</p> <p>If it is necessary to share information with public health authorities, data protection law will not be an obstacle.</p>