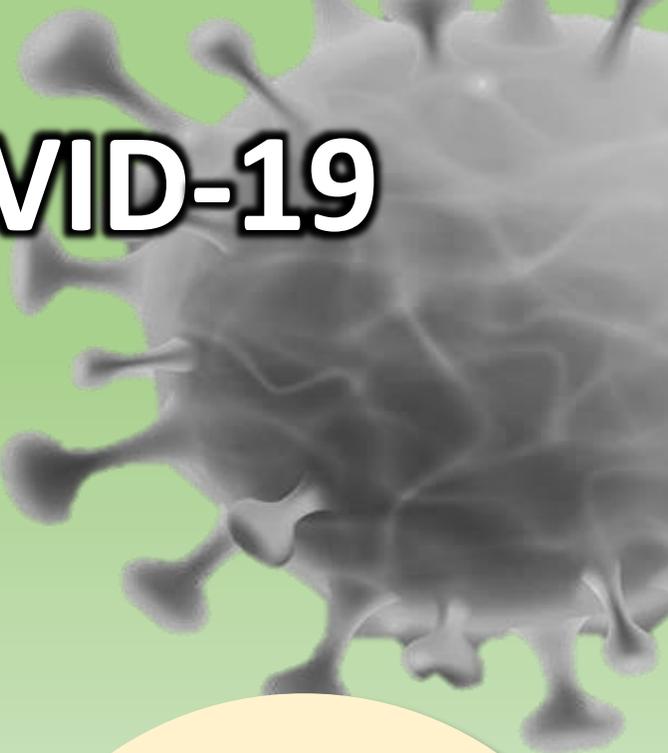


Data Protection and COVID-19



The Information Commissioner recognises the unprecedented challenges we are all facing during the Coronavirus (COVID-19) pandemic, and understands that, in the current climate, there may be a need to share information quickly, or to adapt the way work is conducted.

In principle, data protection will not stop you from doing that.

However, it is important that the balance of proportionality always tips in favour of your proposed actions.

IN OTHER WORDS:

If something feels excessive from the public's point of view, then it probably is.

CONTACT US



privacy@gra.gi

Data Protection and COVID-19

Are you worried that your data protection practices might not meet the usual standard, or that your response to information rights requests will take longer than usual?

The Information Commissioner (the “Commissioner”) understands that resources, whether financial or human, might be diverted away from usual compliance or information governance work during this extraordinary time. If an organisation is seen by the Commissioner to be acting reasonably and can justify their need to prioritise other areas or adapt their usual approach during this period, the Commissioner may take a more lenient approach.

Although the Commissioner is unable to extend statutory timescales, he may, through his own communications channels notify individuals that they may experience delays making information rights requests during the pandemic.

CONTACT US  privacy@gra.gi

Data Protection and COVID-19

AS A HEALTHCARE ORGANISATION, CAN WE CONTACT INDIVIDUALS IN RELATION TO COVID-19 WITHOUT HAVING PRIOR CONSENT?

Data protection and electronic communication laws do not stop HM Government of Gibraltar, the Gibraltar Health Authority or any other health professionals, from sending public health messages to people, either by phone, text or email as these messages are not direct marketing. Nor does it stop them from using the latest technology to facilitate safe and speedy consultations and diagnoses.

Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health in circumstances such as those currently being experienced.



CONTACT US



privacy@gra.gi

Data Protection and COVID-19

WORKING FROM HOME

What kind of security measures should my organisation have in place for homeworking during the pandemic?

Data protection is not a barrier to increased and different types of homeworking. During the pandemic, staff may work from home more frequently than usual and they can use their own device or communications equipment. Data protection law doesn't prevent that, but organisations will need to consider the same kinds of security measures for homeworking that would be used in normal circumstances.



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privacy@gra.gi

Data Protection and COVID-19

Can organisations tell their staff that a colleague may have potentially contracted COVID-19?

YES

You should keep staff informed about cases within your organisation. You have an obligation to ensure the health and safety of your employees, as well as a duty of care.

Can I collect health data about employees or from visitors to my organization in relation to COVID-19 ?

You have an obligation to protect your employees' health, but that doesn't necessarily mean you need to gather lots of information about them. **Proportionality is key.**

REMEMBER
you probably don't need to name individuals and you shouldn't provide more information than necessary.

CONTACT US

✉ privacy@gra.gi



GIBRALTAR REGULATORY
AUTHORITY

REMEMBER

If you still need to collect specific health data, you should not collect more than you need, and you should ensure that you always implement appropriate safeguards.



Data Protection and COVID-19

Is it reasonable to ask a member of staff to tell you if they have visited a particular country or if they are experiencing COVID-19 symptoms?

You could advise staff to call 111 if they are experiencing symptoms associated with COVID-19 or if they have visited any countries currently designated as 'high-risk' by relevant authorities.

Can organisations share employees' health information with relevant authorities for public health purposes?

Yes. It's unlikely your organisation will have to share information with authorities about specific individuals, but if it is necessary, then, in the circumstances, data protection law won't stop you from doing so.

CONTACT US



privacy@gra.gi