



Answers to frequently asked questions about the COVID-19 pandemic in relation to personal data processing

Do the obligations resulting from the GDPR still apply during the pandemic?

Yes, **the obligations introduced by the GDPR continue to apply at all times.** The GDPR also provides rules for the processing of personal data in situations like the COVID-19 pandemic. **Public administration authorities competent for health matters may process personal data in the context of an epidemic without the need to obtain a data subject's consent, and the GDPR provides for that.** The provisions of the GDPR are not intended to hinder any actions taken to fight the COVID-19 pandemic, but, even in these exceptional times, the data controller must ensure the protection of the personal data of data subjects.

Personal data contained in the Passenger Locator Card

To prevent the risk of spreading an infectious disease posing a threat to public health, **the State Border Sanitary Inspector is entitled to request that a Passenger Locator Card be completed.** This does not, however, waive the requirement to provide information about the processing of personal data pursuant to Article 13 of the GDPR. Any persons whose data is processed have the rights laid down in the GDPR.

Can an employer measure their employees' temperature and demand that their employees provide information about where they spent their holidays?

Compliance with the rules of occupational health and safety is the obligation of both the employer and the employee. This results from the provisions of the Labour Code (Articles 207 and 211). **Employees should cooperate with the employer and their superiors in order to ensure compliance with the obligations resulting from occupational health and safety rules.** Article 22(1) § 1-3 specifies a catalogue of personal data which the employer may request the employee to provide, while § 4 states that this catalogue may be extended to a degree necessary to comply with obligations resulting from relevant law and regulations. Therefore, **measuring temperatures, processing health information and details about the location of a holiday an employee has recently returned from, to the degree necessary to ensure safety, is justified, and we believe that it is permissible.** **The consequences to data protection of such actions should, however, be assessed.** Moreover, **employers should introduce rules of conduct in connection with an epidemic threat** (with information about the reasons why the rules have been introduced, the manner of examination, the scope of information collected, and the procedure in case the threat materialises) and **fulfil their obligation to provide information pursuant to Article 13 of the GDPR.**

Have any new personal data processing obligations been imposed in connection with the COVID-19 pandemic?

At this time, **additional obligations have been imposed on telecommunications operators. They have been obliged to send warnings to phone owners at the request of the director of the Government Security Centre.** The Chief Sanitary Inspector, or the state provincial sanitary inspector acting on his behalf, may, among other things, issue decisions obliging employers to take specific preventive or control measures and to work with other public administration authorities and State Sanitary Inspection bodies. **At the request of the relevant provincial governor, and having first informed the Minister of Economy, the Prime Minister is entitled to give instructions to businesses in connection with counteracting the outbreak of COVID-19.**

Can an employer inform their employees of an instance of COVID-19 infection at the workplace?

An employer may, or even should, provide their other employees with such information. An employer should not, however, reveal the identity of the infected person, if known.