

# Brexit & COVID: data protection implications

BCC Luxembourg – Vincent Wellens (Luxembourg/Brussels bar)



Adequacy decision

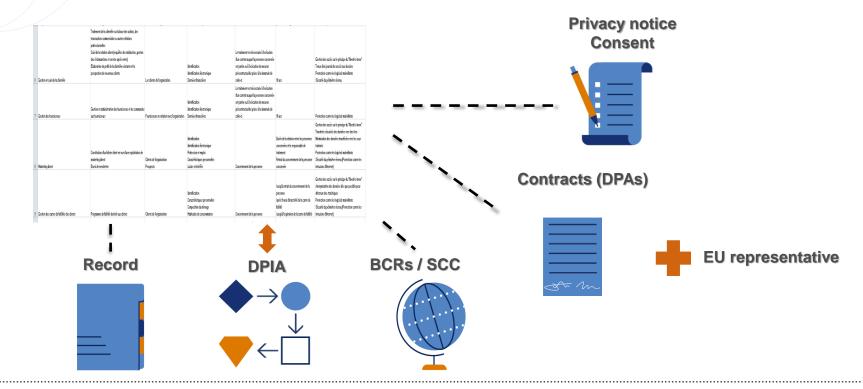
in progress to be closed before 30.6.21

supplementary measures

**BCRs** 

Art. 49 derogations (consent, contract, public interest, ...)

# (\$) All data transfers outside EU/EEA must be reflected



# Data protection in a COVID-19 context

#### Health data:

- \* Prohibition for employers to process health data (incl. vaccination data / negative test)
- \* Unless:
  - Consent (but not a good option in an employment context but towards 3rd party service providers it might be)
  - Legal obligation: obligation to assure a healthy and safe workplace (?) + COVID-19: medical certificate for family leave +
    quarantine/isolation
- \* Just measuring temperature ≠ processing



#### Homeworking:

- \* Security measures!
- \* Increasing monitoring of employees (increased obligation towards employees and staff delegation)
- \* DPIA?



### Tracing apps ?

- \* BE + EU advice of data protection authorities (as voluntary as possible, data minimisation, ...)
- \* Not implemented in LUX





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- · One of the largest law firms in the Benelux region:
  - 388 lawyers including 72 partners, including 14 female partners.
  - 10 of our lawyers are also university professors.
- Spread across 6 offices and 5 country desks:
   Offices in Amsterdam, Brussels, London, Luxembourg, New York and Rotterdam.
- Our country desks focus on: Germany, France, India, China and Japan.
   We also monitor growth markets such as Brazil, Mexico, Indonesia, South Korea and Turkey.
- An independent firm with non-exclusive relations with the top law firms in more than 80 countries.

#### Office locations

