

Return to work: Privacy issues in the “new normal”?

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19 May 2020



Triggers for the processing of personal (health related) data

No “one-size-fits-all solution”:

- > Risk depends on working environment: office, shop, farm, school, factory, ...
- > Most exposed: retail and healthcare.
- > Pragmatic solutions:
 - > Eg staggered working hours, phased return to work, social distancing, etc.

Screening and reporting:

- > Voluntary reporting of sickness or other exposures.
- > Temperature checks.
- > Contact tracing.



Reporting



Health related data = among most protected categories.



Obligation for employees to report.



Filling out medical forms or pre-established questionnaires may **not** be **compulsory** according to CNPD.

Instead encourage employees to notify spontaneously if he/she has been exposed or feels unwell.



In principle, employers shall not disclose the name of infected employee.

Screening

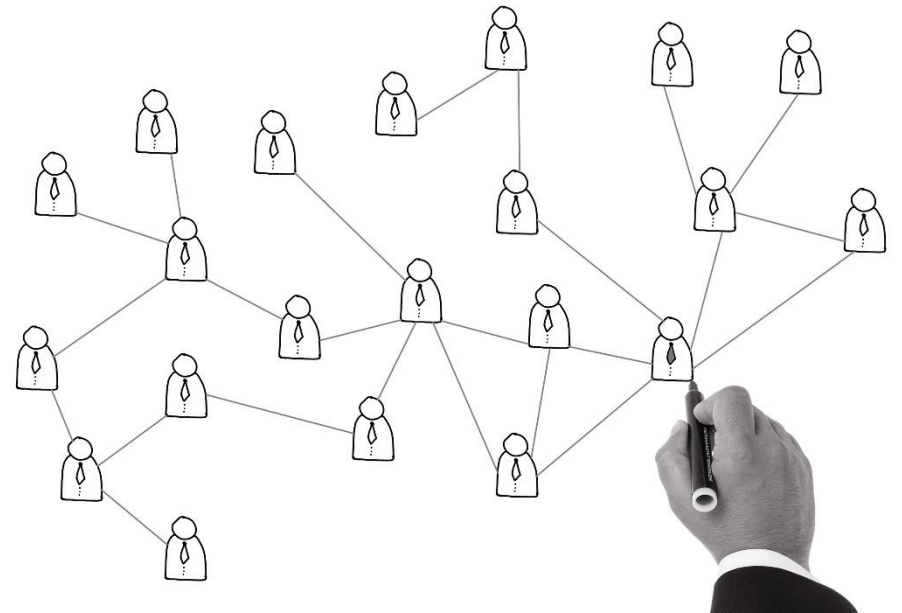
Temperature checks

- > Providing daily temperature readings may **not** be **compulsory** according to CNPD
- > Instead self-assessment and declaration pursuant to the government guidelines

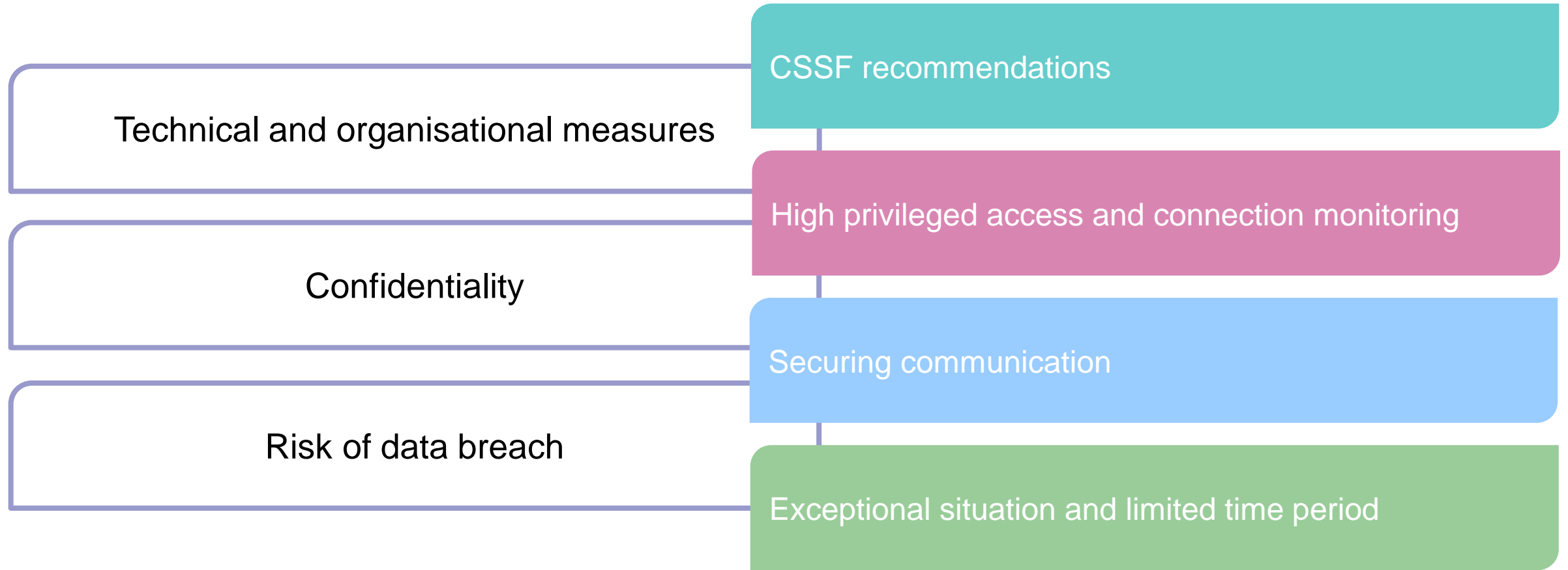


Contact tracing

- > In Luxembourg, the government has committed not to impose a contact tracing app
 - > Instead: focusing on non-digital contact tracing.
- > Tracing app must be:
 - > Compliant with data protection law;
 - > Compatible with app of other EU member state
 - > Open-source; and
 - > Decentralised.



Working from home: cybersecurity



Interesting sources

- > EDPB – Statement on the processing of personal data in the context of the COVID-19 outbreak: https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_statement_2020_processingpersonaldataandcovid-19_en.pdf
- > EDPB – Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak : https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_guidelines_20200420_contact_tracing_covid_with_annex_en.pdf
- > Luxembourg Data Protection Authority – COVID-19 recommendations: <https://cnpd.public.lu/fr/actualites/national/2020/03/coronavirus.html>
- > Temporary health recommendations of the directorate of health for employers and employees in the context of the covid-19 sanitary crisis:
 - > <https://sante.public.lu/fr/espace-professionnel/recommandations/direction-sante/000-covid-19/000-covid-191-annexes/recommandations-sanitaires-administratif.pdf> (administrative sector)
 - > <https://sante.public.lu/fr/espace-professionnel/recommandations/direction-sante/000-covid-19/000-covid-191-annexes/recommandations-sanitaires-industriel-manufacturier.pdf> (industrial sector)
- > Grand-Ducal Regulation of 17 April 2020 introducing a series of measures in the area of occupational safety and health in the fight against COVID-19. <http://data.legilux.public.lu/file/eli-etat-leg-rgd-2020-04-17-a304-jo-fr-pdf.pdf>
- > CSSF recommendations: https://www.cssf.lu/wp-content/uploads/FAQ_Covid_19_eng.pdf