

Data protection and coronavirus

The work of PCCs

PCCs will need to decide what is reasonable in terms of keeping information about parishioners who are vulnerable or who have the virus. Their consent will be needed and this sensitive information must be handled in accordance with the legislation. But GDPR should not prevent churches from performing their role.

PCCs are also often employers and you will undoubtedly interact with your employees in relation to coronavirus. However, this is typically more to do with information provision and assistance to employees, rather than collecting information for a pre-emptive coronavirus strategy.

You need to be sensible and reasonable in your approach to data. The data can be handled in line with legitimate business interest carrying out employment obligations, so mostly consent is not required. Recent travel history and presence of symptoms is likely to be acceptable, but don't collect more than is required; and ensure that any information collected is treated with appropriate safeguards. You cannot oblige employees or visitors to disclose information about their presence of coronavirus symptoms.

And when the virus threat has passed, you should be sure to delete any information you have collected in relation to coronavirus.

During the pandemic you need to consider other risks arising from temporary measures. This will apply to both hard copy personal data and electronic data. Particular areas of risk include employees using insecure networks, personal desktop computers, laptops and other devices, and personal or insecure email addresses. Employers may wish to review their current IT, home working and 'bring your own device' policies and update them as appropriate.

Your GDPR obligation extends beyond the use of data. In the unfortunate event that an employee contracts coronavirus, or is suspected of being infected, the temptation will be to announce this fact to the workforce to identify anyone else who may be infected. However, care needs to be taken not to fall foul of the GDPR rules, particularly as data relating to health is one of the special categories of personal data that benefits from additional protection.

You should consider if there is a way to alert employees to the risk of infection and to identify those individuals who could have come into close contact with the infected individual, without disclosing the identity of the individual themselves. In the event that it is felt necessary to disclose the identity of the individual, you may need the individual's consent (see below).

ICO: what you need to know

The ICO recognises the unprecedented challenges we are all facing during the Coronavirus (COVID-19) pandemic and has said it will take a "pragmatic" approach to its duties during the ongoing crisis. Their guidance is available [here](#) and restated below:

Data protection will not stop you sharing information quickly or adapting the way you work. It's about being proportionate - if something feels excessive from the public's point of view, then it probably is.

1 *During the pandemic, we are worried that our data protection practices might not meet our usual standard or our response to information rights requests will be longer. Will the ICO take regulatory action against us?*

No. We understand that resources, whether they are finances or people, might be diverted away from usual compliance or information governance work. We won't penalise organisations that we know need to prioritise other areas or adapt their usual approach during this extraordinary period.

We can't extend statutory timescales, but we will tell people through our own communications channels that they may experience understandable delays when making information rights requests during the pandemic.

2 *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 Government, the NHS 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 you 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. [More information for health and care professionals here.](#)

3 *More of our staff will be homeworking during the pandemic. What kind of security measures should my organisation have in place for homeworking during this period?*

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 you'll need to consider the same kinds of security measures for homeworking that you'd use in normal circumstances.

4 *Can I tell my staff that a colleague may have potentially contracted COVID-19?*

Yes. You should keep staff informed about cases in your organisation. Remember, you probably don't need to name individuals and you shouldn't provide more information than necessary. You have an obligation to ensure the health and safety of your employees, as well as a duty of care. Data protection doesn't prevent you doing this.

5 *Can I collect health data in relation to COVID-19 about employees or from visitors to my organisation? What about health information ahead of a conference, or an event?*

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

It's reasonable to ask people to tell you if they have visited a particular country, or are experiencing COVID-19 symptoms.

You could ask visitors to consider government advice before they decide to come. And you could advise staff to call 111 if they are experiencing symptoms or have visited particular countries. This approach should help you to minimise the information you need to collect.

If that's not enough and you still need to collect specific health data, don't collect more than you need and ensure that any information collected is treated with the appropriate safeguards.

6 *Can I share employees' health information to 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 data protection law won't stop you from doing so.

7 *I want to set up a community group in my neighbourhood to help vulnerable and self-isolating people. What should I do when collecting and using personal information?*

Data protection won't stop you from helping people, but there are certain things you need to take into account when handling people's information. We have published a [blog for community groups](#) on what they need to know about data protection.

8 *Do I need to pay the ICO's registration fee as a community group?*

No. Some not-for-profit organisations are exempt, but it's still important that you follow data protection guidance when handling people's information.