

| | Allowed Measures | Not allowed Measures | Processing health data by using Questionnaires | Processing health data by Checking body temperature |
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| EDPB  | <p>The grounds for the processing in the employment context:</p> <p>(i) compliance with a legal obligation to which the employer is subject such as obligations relating to health and safety at the workplace or to a public interest, such as the control of diseases and other threats to health;</p> <p>(ii) Art. 9 (2) i) GDPR substantial public interest in the area of public health, on the basis of Union or national law, or art. 9 (2) c) GDPR where there is the need to protect the vital interests of the data subject, in the context of the control of an epidemic.</p> <p>Information: privacy notices shall provide the purpose of processing, the main features of such performed activities, including the retention period for the collected data in this context.</p> <p>Security measures: adequate security measures and</p> | <p>Collecting and processing more data than necessary for the envisaged purpose of processing is considered as infringement of the GDPR proportionality and data minimization principles. Thus, employers may obtain personal information only to fulfil their duties and to organise the work in line with national legislation.</p> <p>Disclosing the name of the employee(s) who contracted the virus is permitted only when necessary (e.g. in a preventive context) and if the national law allows it. HOWEVER, the concerned employees shall be informed in advance and their dignity and integrity shall be protected.</p> | <p>ONLY if proportional and necessary and to the extent that national legislation allows it.</p> | <p>Medical check-up ONLY if the national laws relating to employment or health and safety require such activity and employers shall access and process health data in order to comply with their own legal obligations.</p> |

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| | <p>confidentiality policies ensuring that personal data are not disclosed to unauthorized parties shall be adopted.</p> | | | |

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| Romania  | <p><i>The grounds for the processing in this context may be:</i></p> <p>(i) Art. 9 (2) b) (<i>processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law</i>);</p> <p>(ii) Art. 9 (2) h) GDPR (<i>processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services</i>);</p> <p>(iii) Art 9 (2) i) GDPR (<i>processing is necessary for reasons of public interest in the area of</i></p> | <p>Disclosing the identity and health status of the individual who contacted the virus to the public may be made ONLY with the consent of such individual.</p> | | |

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| | <p><i>public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices);</i></p> <p>(iv) <i>Art. 9 (2) a) (the data subject has given explicit consent to the processing of those personal data for one or more specified purposes).</i></p> <p>Information: the data subjects' information may be provided via the official website of the controller.</p> <p>Security measures: adequate security measures as required by art. 32 GDPR.</p> | | | |

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| France  | <p>Information Encouraging employees to inform their employer or the competent authorities about a potential exposure to the virus. In this case, the employer may store data such as: (i) the date and the identity of the employee suspected of having been exposed and (ii) the organizational measures taken by the employer to minimise the risk (e.g., teleworking, guiding the employee to contact the occupational doctor).</p> <p>Internal communication Creating or facilitating channels dedicated to transmitting individual information communicated by the employees in connection with a possible exposure to the virus.</p> <p>Involvement of authorities The assessment and collection of information regarding the symptoms of the virus and information on the recent movements of certain persons is the responsibility of public authorities and not of the employer.</p> | Collecting in a systematic and generalized manner, or through individual inquiries/requests, information relating to possible symptoms presented by an employee or their family members is prohibited. | The collection of medical sheets or questionnaires from all employees is prohibited. | Daily mandatory readings of the body temperatures of each employee or visitor are not permitted. |

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| Belgium  | <p>Legal basis for the processing of health data: art. 9 (2) i) GDPR (“<i>processing is necessary for reasons of public interest in the area of public health</i>”) only if they act pursuant to explicit directives imposed by the authorities.</p> <p>Involvement of the physician The health risk assessment should be carried out by the professional physician competent to detect infections and inform the employer and those who have been in contact with the infected person, and not by companies and employers. This information is provided by the occupational doctor based on art. 6 (1) c) and 9 (2) b) GDPR (processing necessary for the purposes of carrying out an obligation in the field of employment).</p> | <p>The use of the vital interest of the data subject or of another natural person - art. 6 (1) d) GDPR – as a legal ground for the processing is not considered justified.</p> <p>Internal communication The employer cannot disclose the name of infected employees, INSTEAD, the employer may inform other employees about other employees being infected with the virus, without specifying the identity of the person concerned.</p> | <p>The employer cannot compel its employees to fill out a medical questionnaire or a questionnaire relating to their recent trips,</p> <p>INSTEAD, it is recommended to encourage employees to spontaneously report risky travels or symptoms. In this context, the role of the occupational doctor must be emphasized.</p> | <p>A company cannot conduct generalized and systematic controls (e.g., systematically controlling the body temperature of employees and/or visitors) as it breaches the principle of proportionality.</p> <p>INSTEAD, it is the occupational doctor’s duty to monitor the persons whose employer presumes that they have been exposed to COVID-19 and/or present specific symptoms.</p> |
| Ireland  | <p>The grounds for the processing, in this context, may be:</p> <p>(i) Art. 9 (2) i) (“<i>processing is necessary for reasons of public interest in the area of public health</i>”) including health data, if organisations</p> | <p>Internal and external communication The identity of affected individuals should not be disclosed to any third parties or to their colleagues without a clear justification.</p> | <p>Employers may be justified in asking employees and visitors to inform them if they have visited an affected area and/or are experiencing symptoms specific to COVID-19.</p> | |

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| | <p>are acting on the guidance of authorities and once suitable safeguards are implemented (e.g., limitation on access to the data, strict time limits for erasure, adequate training of the employees involved in the processing);</p> <p>(ii) Art. 6 (1) c) (employer's obligation to protect its employees under the Irish law) and art. 9 (2) b) GDPR providing a legal basis to process personal data, including health data, where it is deemed necessary and proportionate to do so;</p> <p>(iii) art. 6 (1) d) GDPR (processing carried out to protect the vital interests of an individual or other persons), where necessary. A person's health data may be processed in this regard where they are physically or legally incapable of giving their consent (only in emergency situations,</p> | <p>Employers may inform the personnel that there has been a case, or suspected case, of COVID-19 in the organization, HOWEVER they should not disclose the identity of employees (suspected or tested positive with COVID-19) inside the organization.</p> <p>Disclosure of this information may be required by the public health authorities in order to carry out their functions.</p> | <p>HOWEVER the implementation of more stringent requirements, such as a questionnaire, must have a strong justification based on the necessity and proportionality of the processing, taking into consideration, for example, the specificity of the job description (the need to travel for the performance of job duties) or directions of the public health authorities.</p> | |

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| | <p>where no other legal basis can be identified).</p> <p>Documenting decisions Controllers should document any decision-making process regarding measures implemented to manage COVID-19, which involve the processing of personal data.</p> <p>Minimizing the processing Only the minimum necessary amount of data should be processed to achieve the purpose of implementing measures to prevent or contain the spread of COVID-19.</p> | | | |
| <p>Norway</p>  | <p>Internal communication To the extent necessary to ensure an adequate working environment, the employer may send information within the organization that an employee is infected or quarantined, while also respecting the integrity and dignity of the employee.</p> <p>Legal basis of the processing In this situation, art. 9 (2) i) GDPR becomes applicable (“<i>processing of health data for reasons of public interest in the area of public</i>”).</p> | <p>External communication The employer must not send information outside of the organization that one of its employees is infected or quarantined. The information that may reach third parties may concern the unavailability or absence of the employee in question.</p> | | |

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| | health”), taking into consideration the special legislation applicable in Norway for these cases. | | | |
| The Netherlands  | <p>Medical consulting The occupational doctor may consult employees in order to identify the possible cases of infection with COVID-19.</p> <p>Minimizing the processing The employer may process only the personal data necessary to manage the employment relation, such as the telephone number and the address where the employee can be contacted, the approximate period of absence, the ongoing professional activities, the existence of a link between the medical cause and the work performed.</p> | The employer must not keep information on the nature and cause of the disease of an employee, but these types of information may be provided by the occupational doctor under certain circumstances. | The employer may not track the places where its employees spent their holidays. | The employer may not take the body temperature of its employees. |
| Spain  | <p>Information requests It is allowed to obtain information referring to the countries where the company’s employees/visitors have travelled and where there might be cases of COVID-19.</p> | <p>Internal communication It is prohibited to inform employees that another employee was infected with COVID-19. These types of information may be sent at company level, but without identifying the infected person.</p> | | It is allowed to take the employees’ temperature, HOWEVER, only by the medical personnel. |

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| Italy  | <p>Information and reporting</p> <p>It is allowed to invite employees to communicate, where necessary, if they travelled to areas that present a risk of infection with COVID-19.</p> <p>Employees that conduct activities with the public and get in contact with a person suspect of being infected with COVID-19 have the obligation to notify this aspect to the competent health authorities.</p> | | <p>It is prohibited to collect systematically and on a generalised basis as well as by individual questionnaires, information related to the existence of any cold symptoms in employees or in their close contacts.</p> | |
| The United Kingdom of Great Britain  | <p>Asking Questions</p> <p>It is considered to be reasonable to ask the company's employees or visitors about the countries where they travelled to or in relation to the existence of any symptoms. In order to reduce the volume of collected data, the authority recommends employers to advice their employees/visitors to call a special number if they experience any symptoms or if they visited certain countries.</p> <p>Sending communications</p> <p>It is prohibited to send public health communications to data subjects. However, medical organisations may send messages</p> | <p>Internal communication</p> <p>It is prohibited to inform employees that another employee was infected with COVID-19. These types of information may be sent at company level, but without identifying the infected person.</p> | | |

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| | on this topic that do not have the characteristics of business communications, by (i) telephone, (ii) SMS, (iii) e-mail. | | | |
| Hungary  | <p><i>Actions taken to minimize the risk</i></p> <p>In order to guarantee a safe environment, the authority recommends employers to adopt the following measures: (i) to create an activity continuity plan that includes, among others, the evaluation of personal data related risks, (ii) to provide detailed information about the actions that need to be taken in case of a potential infection with COVID-19, (iii) to annul or postpone business trips as well as events, (iv) to inform employees that they must notify any possible contact with the COVID-19 virus and to request medical assistance.</p> <p>If an employee notifies that it contacted COVID-19 or if the employer suspects this, the latter is entitled to collect information such as about the countries where the employee has travelled and that have a risk exposure, the date of the travel, whether the employer has</p> | | <p>For the collection of data questionnaires may be used,</p> <p>HOWEVER, they must not contain questions in relation to the medical history. Furthermore, the data subjects may not be asked for medical documents.</p> | <p>The authority does not consider it to be proportional for employers to implement general and mandatory controls using medical diagnostic devices (e.g. thermometers) on employees.</p> <p>BECAUSE the collection of data on COVID-19 is the responsibility of medical services suppliers and of medical professionals.</p> |

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| | had contact with persons who recently visited the respective countries. | | | |
| Germany  | <p>Information The employer may request the employees who returned from their leave to inform it whether they travelled to a risk area. A negative response should be sufficient in this context.</p> <p>The processing of the personal telephone number The temporary collection and storage of the employee's telephone number is allowed, with the employee's consent, in order to be able to promptly warn the employee on whether he/she should not come to the workplace. According to the authority, the collection of data is based in such a case on legitimate interest. At the latest after the passing of the pandemic, the collected personal data must be erased by the employer.</p> | <p>Employees are not under an obligation to make concrete declaration in relation to their health state.</p> <p>Medical examination It is not allowed to impose an obligation to go through a medical examination. This may only be requested by the medical authorities. In this respect, employers may not collect data in relation to the employees' health state but have the obligation to contact the medical authorities in case they have any doubts in relation to a possible infection with COVID-19.</p> | | |

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| Poland  | <p>Verifications made by the employer</p> <p>The employer may verify certain aspects without being necessary to have the consent of the data subject, such as work-related trips. In this respect, the employer may verify the destination, time of the travel or COVID-19 exposure, such verification being made based on the employer's legitimate interest.</p> | <p>Employers may not force employees to disclose the areas that they visited during the last 15 days and that are affected by COVID-19.</p> <p>Symptom collection</p> <p>It is prohibited to collect systematically and on a generalised basis information related to COVID-19 symptoms.</p> <p>Internal and external communication</p> <p>It is prohibited to inform employees that another employee was infected with COVID-19. These types of information may be sent at company level, but without identifying the infected person.</p> | | <p>It is prohibited to measure the temperature of data subjects.</p> |