

Covid-19 returning to work: don't forget data privacy and compliance



As Covid-19 restrictions begin to lift globally, organisations are preparing to gradually re-open their offices – there are a multitude of issues to consider including and often forgotten data privacy and compliance.

No matter what size your organisation, developing a return to work strategy can be complex and there are many things to consider.

Employee safety is paramount therefore many organisations are urgently implementing key measures to protect their staff as they return to work including:

- Capturing and recording such information as temperature readings and symptoms from employees as they enter workspaces;
- Developing apps to capture key information from employees to determine whether they are fit to return to the office; and
- Recording and logging information related to employees who are denied entry to workspaces and subsequently quarantined.

Organisations are either leveraging existing technology or seeking new providers to develop app technology to capture key Covid-19 related information on employees.

Whilst capturing this information is critical in managing the risk that Covid-19 presents, organisations cannot ignore the requirements of data privacy regulations across the UK and Europe, including:

- Identifying and risk assessing any third party vendors supporting with technology and app development, to ensure that any employee data they are collecting is adequately protected (including contractually) such as:
 - where will that data be stored?
 - who will be the data controller/ processor?

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- Ensuring that 'Privacy by Design' is at the heart of any new technology development, including ensuring the security of any data collected;
- Collecting explicit consent from employees at the point of data collection or identifying the appropriate legal basis that allows you to collect the data;
- Updating and communicating changes to employee privacy notices, to reflect any new categories of data being collected and third party data sharing; and
- Considering the appropriate retention periods over exceptional data that is being collected e.g. what is the right amount of time to hold information on employees who have been refused entry to workplaces?

Those businesses who are right now developing a suitable 'return to work' policy need to build data privacy and compliance considerations into every step of their process and ensure they have addressed the myriad of issues.

For businesses who already have implemented their 'return to work' policy, they should urgently perform a review of where they may not have addressed all the data privacy and compliance issues.

Although many will not need a reminder, it is still worth mentioning that the consequences and penalties for breaches of data privacy rules are major.

Theta Financial Reporting has significant experience in designing and implementing data privacy and compliance frameworks for global organisations and can support you in implementing your own return to work strategies.