



COVID Data Privacy Management

ARMA BOISE VALLEY CHAPTER MONTHLY MEETING

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“Those who cannot change their minds cannot change anything.”

- GEORGE BERNARD SHAW

Highlights

Being in a WHO-declared pandemic has changed what personal data companies can and should collect

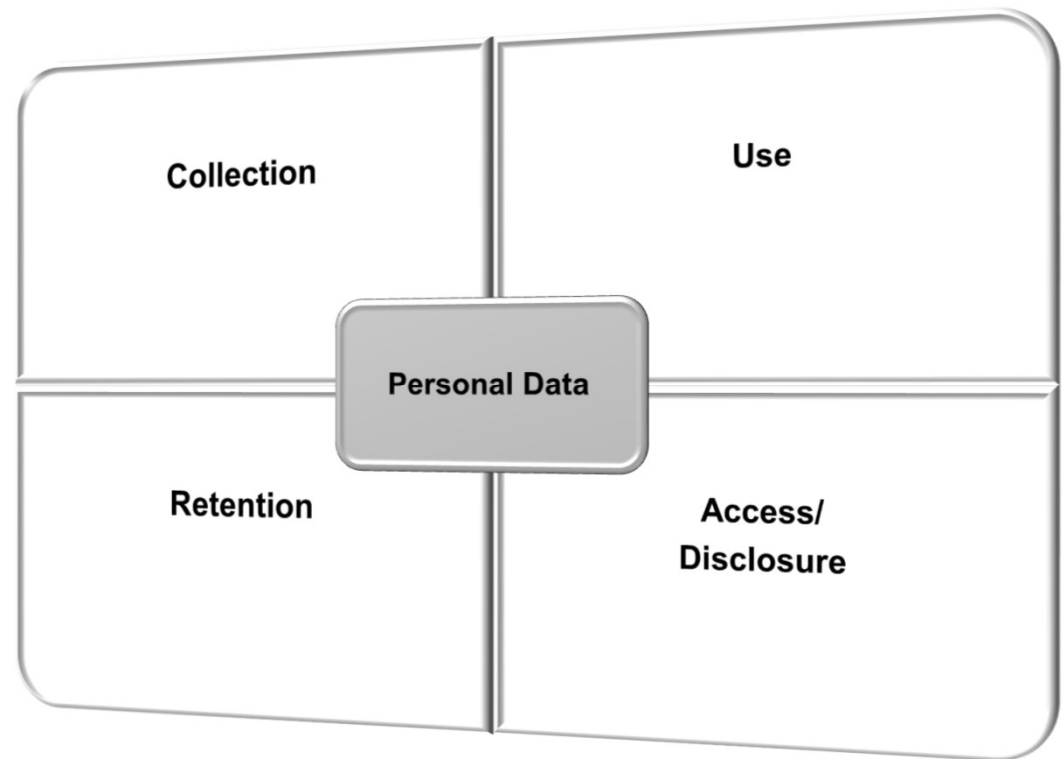
Companies are thus permitted, and even required, to collect personal medical data that they normally cannot ask for or store

To manage this data, we will be discussing **what** is permitted and **why**, so the current and future (post-pandemic) retention of that data can be properly managed



What is Data Privacy?

The protection of individuals' Personal Information from unauthorized collection, use, access, and disclosure.





-  Name
-  Address
-  Birthdate
-  Health Data
-  Passport No
-  Car Registration
-  Driving License
-  Gender
-  Fingerprint Scan
-  Photo
-  Nationality
-  Medical Information

What is Personal Information?

What Law(s) Apply Here*?

Americans with Disabilities Act as primary driver

- Prevents disability-related inquiries and requires that medical examinations be job-related and consistent with business necessity, and applied equally to all similar job categories
- Necessary medical information must be kept **separate** and **secure**

FTC authority to enforce “unfair trade practices”
through non-transparent collection of data

State: state breach laws may apply if data was compromised

What About HIPAA?

- Misconception that HIPAA applies to COVID data collected by companies
- HIPAA applies only to “covered entities”
 1. Health plans
 2. Healthcare clearing houses
 3. Healthcare providers that electronically transmit health information

*U.S.-focused.

COVID Data Guide

WHAT CAN BE COLLECTED (WITH BUSINESS PURPOSE)

- ✓ Employee and visitor temperatures
- ✓ Employee and visitor COVID symptom check
- ✓ Confirmation of positive or negative COVID test
- ✓ Confirmation of vaccine
- ✓ Non-personal details of exposure risk (e.g., names of those exposed to outside the workplace)

WHAT CANNOT BE COLLECTED

- × Names or identities of family members who have tested positive
- × Antibody test results
- × Any information that does not support the business purpose of COVID protection (e.g., cannot ask about non-COVID symptoms)
- × Reasons for not getting a vaccine

How Should We Tackle This?

Now: work with business teams (HR, Legal, IT, safety, operations) to ensure current data collection and storage is appropriate for your business purposes.

Now: Log the data, its location, and its purpose

Now: ensure medical COVID data is kept secure and separate from other personal data

Future: REMEMBER THE DATA when we are on the other side of this pandemic. Set periodic check ins (every 6-9 months) with legal to review and update data log; purging what's no longer necessary

Questions?

