

Outbreak of the Coronavirus and personal data processing issues – Greece – HDPa Guidelines

March 2020

As the coronavirus outbreak continues to spread, companies in Greece have started implementing an increasing number of measures to prevent contamination of their premises and amongst their staff. These measures sometimes require them to collect, analyze or even share information about individuals, raising therefore data protection challenges.

In response to these concerns, the **Hellenic Data Protection Authority** (“HDPa”) issued a notice on **18th March 2020**, following its Decision No. 5/2020 on “**Guidelines for the processing of personal data in the context of managing COVID-19**” (“Guidelines”).

Highlights of the Guidelines:

- All information concerning the health of a person (e.g. being COVID-19 positive, home isolation due to sick, having indications of illness, such as coughing, high temperature, e.t.c), are **personal data of special category**, subject to a stricter protection regime. Information relating to recent trips of a person, sickness incidents in other persons he/she has liaised, do not relate to the health of this person and are not therefore special category personal data; still, they could be simple personal data.

- GDPR and Greek Law 4624/2019 apply to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system. Therefore, a simple oral information given by a person, e.g. having a high temperature, despite being characterized as personal data, fall outside the scope of data protection laws.

- Regarding **employment relationships**:

- (a) employers (on the basis of art. 42, 45 & 49 of Law 3850/2010) should safeguard health and safety of their employees and adopt any necessary measures;

- (b) employees should also comply with these rules and refer to their employers (or labor doctor) any situations that would constitute a serious and imminent danger for health and safety.

Given the legal basis of processing granted by GDPR (compliance with legal obligation, protection of vital interest of the data subject or another natural person, performance of a task carried out in the public interest, **public interest in the area of 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 – articles 6, para 1, c, d, e, 9, para 2, b, e & h), employers may therefore process personal data for protecting employees' health, respecting always the **general principles** of article 5 GDPR, i.e. lawfulness, fairness and transparency, purpose limitation, data minimization, integrity and confidentiality.

- Employers, when processing personal data (for the reasons mentioned above) should always bear in mind the **limited scope** of processing, as well as the principle of **proportionality** and **accountability**. Confidentiality and security measures also apply.
- In case an individual, **voluntarily publishes** information concerning his health, i.e. COVID-19 positive, then processing is allowed, since it relates to personal data which are manifestly made public by the data subject (art. 9, 2, e).
- Data Processors should not notify to third parties information regarding health status of data subjects, if such notification creates **prejudice** and **stigmatization**.

Your Legal Partners are actively advising clients in relation to the Covid-19 outbreak. Please do not hesitate to get in touch with us if your business has been affected.

If you have questions or would like additional information please contact the author:

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