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JERSEY OFFICE OF THE
INFORMATION COMMISSIONER

TRACK & TRACE PERSONAL INFORMATION

Checklist

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INTRODUCTION

The Government of Jersey has requested that organisations assist with its track and trace efforts by collecting information (personal data) about patrons visiting their premises. While this is not a legal requirement, it can help to promote the safety of our Island community, in the event that an organisation becomes aware that a former patron has tested positive for Covid-19. Please note that organisations may be collecting some or all of this information from patrons already for their own purposes.

The purpose of this checklist is to help you to navigate your legal responsibilities if you collect personal data to assist the Government of Jersey with its track and trace efforts.

The Data Protection (Jersey) Law 2018 (the **Law**) imposes responsibilities upon organisations collecting and using personal data. Personal data is any information relating to a living, identifiable individual.

A fundamental principle of the law is that personal data must be processed lawfully, fairly and in a transparent manner. This means that your customers should know exactly what information you are collecting as part of the track and trace scheme and what will happen with that information.

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CHECKLIST

- Have you **registered** with the Jersey Office of the Information Commissioner? This is a requirement under the Law to allow any organisation to process personal data in the course of their business/charity activities.
- Do you have **'lawful basis'** for collecting personal data? The Law requires that you have a 'lawful basis' upon which to collect and share any additional information you collect to assist with the Government of Jersey's track & trace scheme.
 - The lawful bases are set out at **Schedule 2** and you need to decide which one you think is appropriate for the processing you are doing. (If you are already collecting some or all of the information that the Government of Jersey has requested, it is likely that you are collecting it for a different purpose, e.g. marketing or booking a table at a restaurant, and the legal bases for the two different types of processing will be different.)
 - Obtaining the consent of patrons for collecting and using their data is one lawful process that frequently applies. If you are using consent as your lawful basis:
 - » Can you show that the consent was freely given by the data subject and genuinely informed (they understood to what they were consenting)?
 - » How will you record that the data subject has consented?
 - » Data subjects have a legal right to withdraw their consent. How will you respond if they withdraw their consent?
 - » You cannot deny a patron entry if they refuse to consent to your collecting and using their information, unless that information is necessary for you to be able to serve them. Have you ensured that consent is not a condition of entry to your premises?

If you have ticked yes and can justify the above –

- How are you keeping the personal data collected for track & trace secure?
 - In what format are you storing it?
 - Who has access to it? (This should be on a need to know basis.)
- You are only permitted to collect personal data that is relevant for the purpose you are using it. This means you should not gather more information than you need in order to use it for a different purpose (e.g. marketing).



- The Law prohibits you from keeping any personal data for longer than is necessary for the purposes for which you collected it. The Government guidance provides a limit of 21 days for the purposes of the track and trace programme, after which you should destroy the information.
 - How long will you keep this data for and can you justify why this period is appropriate?
 - How will you dispose of/delete it? (remember you are obliged to do so securely)

- How, when and with whom will you be sharing the information? Do you know what they will be doing with it? Have you included this in your **Privacy Policy?** (Please refer to page 7 of this guidance note for more information regarding a privacy policy.)

- Consider putting together an information sheet to provide to clients if they ask why you are collecting their data. Alternatively, you could develop a mini privacy policy covering collection of track and trace data and/ update your usual privacy notice

MORE INFORMATION

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