Data Protection Concerns on Return to Work

By **Deborah Margolis** - 11 May 2021

Employers are currently considering how to safely reintegrate staff into the workplace whilst also managing the risks of processing health data (which is a special category of data under GDPR) and setting out the expectations for employees. The ICO has published guidance confirming that it will take an "empathetic and pragmatic approach" to regulation during the pandemic, however employers still need to consider some tricky issues.

KEY

🟥	Higher risk
🟧	Low/medium risk
🟩	No/low risk

Issue

🟩	Asking employees to have their temperature screened when arriving at the workplace
🟧	Requiring employees to take a COVID-19 test
🟧	Requiring employees to download the government-approved contact tracing app

	Keeping lists of employees who have COVID-19 symptoms or have tested positive for COVID-19
	Sharing data about affected employees
	Asking workers to self-declare COVID-19 symptoms
	Requiring employees who come into the workplace to have immunity passports (if introduced)

Click here for further information on the key risks and considerations.

 If you or your organisation would like more information about employees returning to work, please get in touch with your usual GQ|Littler contact or email .