



Data Protection Concerns on Return to Work

Deborah Margolis

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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 info@gqlittler.com.