

Title: Office of the Information Commissioner publishes guidance on privacy obligations during the COVID-19 pandemic

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Source: <https://www.oaic.gov.au/privacy/guidance-and-advice/coronavirus-covid-19-understanding-your-privacy-obligations-to-your-staff/>

Abstract:

The Office of the Australian Information Commissioner has published guidance on information sharing to assist entities regulated by the *Privacy Act 1988* (Cth) ('the Privacy Act') understand their privacy obligations during the Coronavirus (COVID-19) pandemic.

Personal information under the Privacy Act includes a broad range of information, or an opinion, that can identify an individual. It includes an individual's employee record information. It also includes 'sensitive information' which is afforded higher protection under the Privacy Act. Sensitive information includes information or an opinion about the health of an individual,

Information gathered about an individual that relates to infection and risk of exposure with COVID-19 will be sensitive information under the Privacy Act. Related information about the individual's symptoms, treatment or general health status will also be sensitive information.

The OAIC has clarified in its guidance that the Privacy Act will not stop critical information sharing with health authorities or other stakeholders necessary to prevent or lessen the spread of COVID-19. The OAIC has also published the following key points:

- Organisations should only collect, use or disclose the minimum information reasonably necessary to prevent or manage the spread of COVID-19.
 - The minimum information reasonably necessary to be collected may be information that the [Department of Health](#) says is needed to identify risk and implement appropriate controls to prevent or manage COVID-19, for e.g, whether the individual or close contact has been exposed to a known case of COVID-19 and whether the individual has recently travelled overseas and to which countries.
 - With regard to disclosure, when informing colleagues, staff or visitors that a person has been infected by COVID-19, it may not be necessary to reveal a person's name, or the disclosure of the name of the individual may be restricted to a limited number of people on a 'need-to-know basis'. Whether disclosure is necessary should be informed by advice from the [Department of Health](#).
- Organisations should clearly communicate with staff, visitors and other individuals how their personal information will be handled in responding to any potential or confirmed case of COVID-19.
- Organisations still need to take reasonable steps to keep personal information secure, including where employees are working remotely.