

Office of the Australian Information Commissioner publishes guidance for businesses collecting personal information for COVID-19 contact tracing

Source: <https://www.oaic.gov.au/privacy/guidance-and-advice/guidance-for-businesses-collecting-personal-information-for-contact-tracing/>

Date: 11 June 2020

Abstract:

As a pre-condition of re-opening, many businesses around Australia must collect the contact information of customers and visitors pursuant to a State or Territory-specific Direction or Order for the purpose of COVID-19 contact tracing. If these businesses are also APP entities, they must be adhere to their obligations under the *Privacy Act 1988* ('the Privacy Act'). To this end, the Office of the Australian Information Commissioner ('OAIC') has published guidance relating to the collection of personal information for the purpose of contact tracing.

The name of a customer or visitor along with their contact details is 'personal information' under the Privacy Act and therefore subject to restrictions regarding collection, use and disclosure outlined in the Australian Privacy Principles ('APPs') in Schedule 1 to the Privacy Act. .

The OAIC has clarified that if an organisation which is subject to the Privacy Act is required to collect contact information of customers and visitors pursuant to a Direction or Order, it would be permitted to do so under APP 3.2 as the information would be reasonably necessary for one or more of the organisation's functions or activities.

However, in order to ensure overall compliance with the APPs, such organisations should:

1. Only collect the personal information required under the State or Territory-specific Direction or Order.
2. Notify the individuals about what information is being collected, that the collection is required by law, that the purpose is for contact tracing, who the information will be disclosed to if required (for e.g. health authorities) and the consequences for failing to provide the requested information (for e.g. refusal of entry into the business).
3. Securely store this information after collection, noting the consequences of data breaches.
4. Only disclose the personal information to the relevant health information when requested to do so.
5. Destroy the information once it is no longer reasonably necessary for the purpose of contact tracing, which would generally be no longer than 28 days.

State and Territory Directions and Orders relating to COVID-19 can be found at the links below:

- [ACT](#)
- [New South Wales](#)
- [Northern Territory](#)

- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)