

Covid-19 database includes a greater focus on public's right to privacy

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Although the law permits the National Department of Health (DOH) to develop and maintain a national database to assist in combatting the spread of Covid-19, which includes contact tracing and geospatial hotspot mapping, there have been some new amendments to the laws.



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These amendments coincide with the President's announcement that substantive provisions of the Protection of Personal Information Act, 2013 (PoPI) will commence on 1 July 2020. These changes to the Covid-19 database information are welcomed as they indicate the importance placed on the protection of the public's right to privacy and the obligation on responsible parties to process personal information lawfully.

Some of the noteworthy amendments are that:

- Any information obtained by the DOH from an electronic communications service provider can only be obtained, used or disclosed by authorised persons and only when necessary to address and combat the spread of Covid-19.
- Although the DOH may develop and implement electronic systems or applications to be used on mobile devices or computers in order to collect information from the public for inclusion in the Covid-19 database - the DOH can only collect such information from members of the public on a voluntary and opt-in basis.
- Although private entities may provide the DOH with information regarding members of the public which is obtained from electronic systems/applications operated by the private entities for inclusion in the Covid-19 database - private entities can only collect such information on a voluntary and opt-in basis and must obtain the express consent of the individual to share the information with the DOH.

The Covid-19 database may include names and surnames, identity and passport numbers, location addresses and cell phone numbers, Covid-19 test results of such persons and the details of the known or suspected contacts of any person who has tested positive for Covid-19.

For more information on the Do's and Don'ts of contact-tracing by employers, [click here](#) for a useful infographic.

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