

QR scanning v privacy + operating at Level 3..

Is my Personal Information protected when scanning?

By Shazreen Hussain

On 22 August 2021, the Ministry of Health (MOH) announced that scanning or manually signing into many places such as cafes, restaurants or events will now become mandatory at all alert levels.



To stop any future spread of COVID-19, everyone aged 12 and over must scan or manually sign-in to help break the chain of transmission. There is no doubt that, recording people’s movements helps to address the transmission posed by COVID-19 in the community, quickly and efficiently. The announcement has however raised concerns as to how mandatory scanning or manually signing-in affects personal information and privacy.

Before exploring the issue, we must first understand why contract tracing is mandatory.

Well, contact tracing allows the MOH to rapidly locate positive cases and identify those who are at the risk of transmitting COVID-19 in the community. Contact tracing is a globally implemented measure to help fight the virus. The ‘NZ COVID Tracer’ App has been endorsed by the Privacy Commissioner because it’s designed to specifically protect the privacy of every person who uses it and has been through independent security testing to ensure it protects data. Each scan records the location name, address, along with the date and time.

In New Zealand, all businesses and workplaces must legally display an NZ COVID Tracer QR scan code. This requirement is applied at all alert levels. It is also essential for businesses to provide an alternative tracking register for those who do not use the App such as a manual log. The tracking register for a business or workplace

must record a visitor’s name, contact number and the date/time of the visit.

Like any other latest technology, the question is whether someone’s personal data is sufficiently protected by the App is compliant with New Zealand privacy laws.

This question can be best answered by assessing whether the App is compliant with New Zealand privacy laws.



The Privacy Act 2020 reinforces privacy protections. It promotes early intervention and risk management by agencies and enhances the role of the Privacy Commissioner. The Act has thirteen principles that businesses and organisations must follow when collecting, using, and storing personal information. The principles are designed to ensure that an individual’s personal information is protected and respected.

The “public health or safety exception” contained in Principle 11 permits the collection, use and disclosure of personal information where it is necessary to stop or reduce a serious threat to public health or public safety. However, an organisation may only disclose personal information when:

- a) That disclosure is one of the purposes for which the organisation got the information;
- b) the information is to be used in a way that does not identify the concerned person;
- c) the disclosure was authorised by the concerned person;
- d) disclosure is essential to avoid endangering someone’s health or safety; and
- e) disclosure is essential to uphold or enforce the law.

The controls applied by the MOH to protect personal information is robust. The ‘public health or safety exception’ may only be used when it there is a threat is serious.

Businesses also have an obligation to safeguard and protect privacy of their staff/customers/clients by ensuring personal

information is held securely and cannot be seen or accessed by people who do not need to see it. Interestingly, an issue arises with manual signing-in because details of others who have already signed-in are visible to others such as their name/phone number(s).

Ideally, people should be given a choice ‘how’ they sign-in - scanning via the App or a manual log. If people then choose to record their details manually, are they consenting to their data being visible to others? Arguably, they are. Whereas the data recorded within the NZ COVID Tracer is stored on your phone unless the information is voluntarily shared with others.

It is clear however, that all personal information stored whether in electronic or manual format can only lawfully be disclosed if the data is important for public health purposes and falls within one of the exceptions listed in Principle 11 of the Privacy Act.

Get ready...there’s a 3rd round of the Wage Subsidy Scheme coming.

By Shazreen Hussain

Latest Update: 21 September 2021

From 11:59pm on Tuesday 21 September Auckland will move to Alert Level 3.

The continuance of Alert Levels across New Zealand has led to concerns from many businesses about the level of ongoing support available to them to survive the COVID-19 delta outbreak. The impact on many businesses has been devastating and reliance on the various financial support packages has been instrumental in their survival.

In response to these concerns, the Government has confirmed that wage subsidies will remain available to businesses in Auckland (and elsewhere in New Zealand) that continue to experience a revenue decrease of 40 per cent or more because of Alert Levels 3 or 4.

COVID TODAY

So, even in Level 3, the wage subsidy scheme is still available.

Applications for the wage subsidy scheme round #3 re-opened on **Friday 17 September 2021** to cover the period of two weeks from 14 September 2021 onwards. The applications process will close at 11.59pm, **Thursday 30 September 2021**. Note: Applications for the wage subsidy scheme round #2 (open from 3 to 16 September 2021) have now closed.

If you previously applied for the wage subsidy scheme round #2, then you need to wait a further two weeks before you can apply for round #3 (even if you have not yet received payment for the wage subsidy in round #2). If you apply earlier than this time-frame, your application under round #3 will be declined. Instead, wait for Work and Income to email you letting you know when to apply for round 3#.

Operating at Level 3 – things to know!

By Shazreen Hussain

If you are doing business at Alert Level 3, there are restrictions to keep your employees safe, limit interaction with customers and help prevent the spread of COVID-19. So there are some operational issues that you need to consider first.



Everyone should still work from home if they can at Alert Level 3. Also, if your business involves close physical contact, it cannot open regardless. So that means no opening for hairdressers, therapists, gyms etc. However, cafes and restaurants can open but only for contactless delivery or food pick-up (drive thru's are also back on the cards). No retail shopping though!



Tradies can work and conduct in-home repairs but only if it's safe to do so and they must keep a 2 metre distance from those inside the home.

Online shopping is also 'a-go' which is great news for many of us in need of some retail therapy. But orders can only be taken online or via the telephone with contactless delivery or pick-up a must.

Those businesses fortunate enough to trade once again can operate but with restrictions (and this is where a business owner must decide whether the restrictions make it worthwhile to re-open). In a recent issue of COVID TODAY we reported on the decision of some café owners in Wellington choosing to remain closed notwithstanding their ability to re-open for certain trade; they formed the view it was just not cost-effective or operationally feasible to implement the restrictions and remain profitable preferring to close their doors until normal business activity can resume.

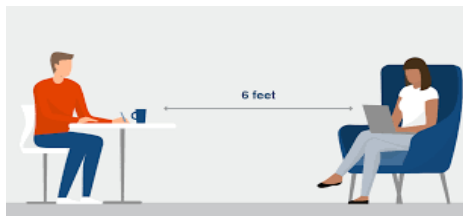
So, what are the restrictions?

Things you need to consider:

- 1) Having additional hygiene measures such as regular hand-washing and hand sanitizer available, encourage a coughing/sneezing in the elbow etiquette, regularly clean surfaces, tell people to stay home if unwell, do not share cups/glasses, remove magazines from communal area and provide adequate ventilation.



- 2) Adhere to physical distancing requirements (2 metres for customers or 1 metre for co-workers) to slow the spread of a virus. Encourage the use of online or teleconferencing solutions even if workers are located nearby. Increase the distance between workstations. Allow staff to eat at their stations to avoid communal areas. Use larger meeting rooms if people need to meet.



- 3) Create teams or crews of workplace bubbles so that certain workers only work exclusively together to reduce the spread of the virus.



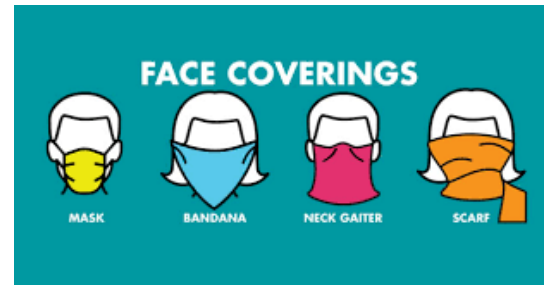
- 4) Maintain contactless options for ordering, pick-up, delivery, and payment.



- 5) Regularly disinfect and clean the workplace and workstations (including sinks, doors, handles, railings, objects, counters). Wear personal protective clothing such as gloves and eye protection when cleaning particularly if using chemicals such as bleach.



- 6) Use face-masks to reduce the spread of the virus. Masks can stop the spread of droplets when a person speaks, laughs, coughs or sneezes. Face coverings are mandatory in supermarkets, dairies, petrol stations, pharmacies, laundrettes, butchers, fishmongers, greengrocers, clinics, when using public transport.



Note: If you are unsure that you can comply with the operational restrictions, then you must remain closed, or you could be forced to close!

Resources

- Ministry of Social Development (www.msd.govt.nz)
- Work and Income (www.workandincome.govt.nz)
- Inland Revenue (www.ird.govt.nz)
- Covid-19 Official Site (www.covid19.govt.nz)
- Employment NZ (www.employment.govt.nz)



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