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collection of personal data

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In the context of a health crisis linked to the coronavirus, individuals and professionals are questioning the measures to be implemented in order to limit the spread of the virus, and the conditions under which personal data, in particular health data, can be used. The CNIL recalls a few principles.

The CNIL receives numerous requests from professionals and individuals on the possibilities of collecting, apart from any medical treatment, data concerning employees / agents or visitors in order to determine whether people have symptoms of coronavirus, or data relating to trips and events that may fall within the private sphere.

What you should not do

If everyone has to implement measures adapted to the situation such as limiting travel and meetings or respecting hygienic measures, employers cannot take measures likely to infringe on the privacy of individuals concerned, in particular by the collection of health data which would go beyond the management of suspected exposure to the virus. These data are in fact subject to very special protection, both by the GDPR and by the provisions of the Public Health Code.

For example, employers must refrain from collecting in a systematic and generalized manner, or through individual inquiries and requests, information relating to the search for possible symptoms presented by an employee / agent and their relatives. It is therefore not possible to implement, for example:

- mandatory readings of the body temperatures of each employee / agent / visitor to be sent daily to their hierarchy;
- or the collection of medical sheets or questionnaires from all employees / agents.

What can be done

The employer is responsible for the health and safety of employees / agents in accordance with the Labor Code and the texts governing the public service (particularly article L. 4121-1 of the Labor Code). As such, it must implement actions to prevent occupational risks, provide information and training, and finally set up an organization and appropriate means.

In this context, the employer can:

- educate and invite its employees to carry out individual feedback of information concerning them in connection with a possible exhibition, to him or to the competent health authorities;
- facilitate their transmission by setting up, if necessary, dedicated channels;
- promote remote working methods and encourage the use of occupational medicine.

In the event of a report, an employer may record:

- the date and identity of the person suspected of having been exposed;
- the organizational measures taken (confinement, telework, orientation and contact with the occupational doctor, etc.).

He will thus be able to communicate to health authorities who request it, the elements related to the nature of the exposure, necessary for a possible health or medical care of the exposed person.

Companies and administrations can also be called upon to establish an "activity continuity plan" (BCP), which aims to maintain the essential activity of the organization. This plan must in particular provide for all the measures to protect the safety of the employees, identify the essential activities to be maintained and also the people necessary for the continuity of the service.

Each employee / agent must, for their part, use all means to preserve the health and safety of others and of themselves (article L.4122-1 of the Labor Code): **they must inform their employer in the event suspected contact with the virus** .

Finally, **health data can be collected by health authorities** , qualified to take the measures appropriate to the situation. The assessment and collection of information relating to the symptoms of coronavirus and information on the recent movements of certain persons is the responsibility of these public authorities.

If the health situation requires all stakeholders to be particularly vigilant, the CNIL invites individuals and professionals to follow the recommendations of the health authorities and to only collect data on the health of individuals who have requested by the competent authorities.

[Follow and relay health recommendations on the Government website](#)

[Questions and answers for companies and employees on travail-emploi.gouv.fr](#)

Reference text

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[< Article L4121-1 of the Labor Code](#)

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Top of page