
Guidelines on Collecting Information in Government Workplaces During the COVID-19 Pandemic

Introduction

The BC Government has taken significant steps to limit the spread of COVID-19 through adaptations to workplace practices following the recommendations of the Provincial Health Officer and WorkSafeBC. Some government workplaces have expressed interest in adopting practices of recording names and/or symptom history of individuals who enter government buildings under the assumption of supporting contact tracing efforts by public health officials. These guidelines are meant to clarify the circumstances under which the *Freedom of Information and Protection of Privacy Act* (FOIPPA) would allow for the collection of personal information in the context of contact tracing.

Scope

These guidelines apply to any government workplace except for those which have received their own direction from public health officials. These guidelines may not apply to ministries that fall under legislation that supersedes FOIPPA's collection authorities.

Legislative Context

The *Freedom of Information and Protection of Privacy Act* (FOIPPA) mandates how personal information may be collected, used and disclosed by public bodies in British Columbia.

Advice on these Guidelines

Privacy, Compliance and Training within the Corporate Information and Records Management Office is the BC Government's central privacy office. Advice on these guidelines can be obtained at 250-356-1851 or privacy.helpline@gov.bc.ca. Your [Ministry Privacy Officer](#) is also a resource for advice.

Guidelines

COLLECTION OF PERSONAL INFORMATION FOR CONTACT TRACING

FOIPPA does not generally permit most workplaces to collect personal information or personal health information for the purpose of COVID-19 contact tracing (e.g. making a list of who has entered the building or recording symptoms or COVID test history). Personal information includes but is not limited to names and home or personal cell phone numbers.

Legal authority for the collection of personal information is generally tied to the necessity of that information. Contact tracers interview infected persons to reconstruct their daily activities to establish whether any other persons had a high risk of exposure or infection. If the contact tracers determine this to be the case, they will at this point obtain the necessary information from the infected individual for contact tracing.



It is reasonable to assume that existing information sources like personal calendars, security sign in/out logs, and client management systems will be able to provide the required information. **New collection mechanisms are not necessary to support contact tracing.**

Sector-specific exceptions may apply if other legislative requirements apply or if other directives have been issued by public health officials.

BUSINESS CONTACT INFORMATION

Business contact information is excluded from the definition of personal information under FOIPPA and is distinguished as information to enable an individual at a place of business to be contacted. Before trying to limit collection to business contact information, consider that any inadvertent collection of personal contact information could result in an information incident. And, from a principled perspective, even that list of business contact information is unlikely to be utilized by public health officials.

HOW TO HELP PUBLIC HEALTH OFFICIALS WHO ARE USING CONTACT TRACING

Adhere to public health recommendations and Workplace COVID Safety Protocols which are designed to help protect us from transmission of COVID:

- ✓ Do not attend a workplace if you are feeling unwell or ill
- ✓ Maintain a physical distance from other individuals (at least 2 metres apart)
- ✓ When physical distancing is not possible, wear a mask
- ✓ Wash or sanitize your hands regularly
- ✓ Review and follow your workplace's COVID safety plan and assessment tool
- ✓ Pay attention to places you have visited in the event you may need to provide this information to a public health official
- ✓ Pay attention to who you have been in contact with, in case you, or someone you know, has become infected with COVID-19.

QUESTIONS AND ANSWERS

Q: How are COVID-19 contact tracing lists different from other lists collected upon building entry, such as recording names for security purposes?

A: *Collecting personal information upon building entry may be authorized for security or other specific purposes in some circumstances and when necessary. Collection of personal information in these cases may be authorized for reasons other than contact tracing and is not the subject of these guidelines.*

Q: Why do restaurants collect information about patrons when government workplaces are not creating similar lists?

A: *A workplace is a controlled setting and is different from other environments where individuals may not know each other. In work office settings, the same group of people are in regular attendance, and there are usually records of meeting participants. In other words, there are other means of knowing who has been in a building and ways of contacting them if necessary. Restaurants host groups of people that do not know each other in proximity for extended periods of time, and those people are also unknown to the proprietors. The Order of the Provincial Health Officer respecting Food and Liquor Serving Premises, which includes a requirement to collect information about patrons, was issued in light of the specific features of interactions in those establishments.*