



Collecting and storing customer information in COVID-19

As COVID-19 restrictions are eased around Australia, your business may need to request the personal information of customers in order to help contact tracers if someone who works for you or one of your customers tests positive for COVID-19.

This guideline provides information about how to manage the privacy of customers' personal information in accordance with privacy laws and good privacy practice.

Collecting and storing information about customers is a standard practice for many businesses. For example, businesses commonly store and collect information when taking bookings, fulfilling orders, taking payments and confirming appointments.

If you provide a health service or your business has an annual turnover of more than \$3 million per year, you must comply with the Privacy Act 1988 (Cth) in the way that information is collected, used and disclosed. For more information please contact the Office of the Australian Information Commissioner: www.OAIC.gov.au

Even if your business is not covered by the Privacy Act, it is good privacy practice to tell people why you are asking for the information, who will have access to it, how it will be kept safe and make sure you stick to those rules.





Requirement to ask for contact information

During the declared COVID-19 emergency, the ACT Chief Health Officer has powers under the Public Health Act (1997) to make any directions necessary to assist in containing, or responding to, the spread of COVID-19 within the community.

These directions may be updated as the situation changes. The Public Health (Emergency) Directions can be found at <https://legislation.act.gov.au/nj/2020-153/>.

Under the Chief Health Officer's Public Health Directions, some businesses are now required to request contact information from their customers, for use in contact tracing.

As of (11.59pm, 29 May 2020) businesses in the ACT required to request the **first name** and **contact number** of every patron or attendee (including those under 18 years of age) include:

- restaurants, cafés and other hospitality venues
- gyms, health clubs, fitness or wellness centres
- yoga, barre, pilates and spin facilities
- boot camps and personal trainers
- auction houses
- real estate auctions, display homes and open house inspections
- funerals and wedding ceremonies
- nail salons, beauty therapy, tanning and waxing services
- tattoo and body modification parlours; and
- day spas and non-therapeutic massage services.

If you receive the information, you should also record the date and time the person attended the business or undertaking. This is also needed for contact tracing.

You are not required to verify this information or ask for identification. Patrons and attendees can decline to provide you with this information. If they do decline, you cannot refuse them service or entry on that basis.





The purpose of collecting personal information

The purpose of collecting this information is to assist authorities in tracing infections of COVID-19 if they occur.

In many cases businesses will already be collecting this information for other purposes such as bookings or memberships. However, for privacy purposes, it will be important to let customers know that their personal information may also be used for contact tracing if requested by health authorities.

How to protect customer privacy

To comply with privacy laws and good privacy practice:

1. You should notify individuals before you collect the information for contact tracing.

You should clearly inform the customer of what information you are collecting, how you will use it and how and when you will destroy it. You can do this by displaying a prominent notice on your premises and website and explaining the information when you talk to your customer or client. Some examples are provided on the next page.

2. You should securely store this information once you have collected it.

You should take steps to make sure that the information is kept securely and that it is not accessed by people who aren't authorised to have the information.

3. You should only provide this information to relevant health authorities where requested.

Contact tracing is undertaken exclusively by health authorities, and you should only disclose the information to health authorities when they request it for contact tracing purposes.

4. You should not disclose the information to anyone else.

This means you should not give this information to other entities unless the customer has agreed to this sharing, or you are required to by law.

5. You should destroy this information after 28 days.

You should destroy the information after 28 days. Delete all electronic files. If a paper copy of the information is kept it should be destroyed securely – eg. by shredding. Don't put it in a rubbish bin or recycling bin.

6. You should still comply with any other legal record keeping obligation that you might have.





Where can I get further information?

The Office of the Australian Information Commissioner can provide further information about privacy obligations: www.OAIC.gov.au. For the latest information about the COVID-19 emergency in the ACT, please go to <https://www.covid19.act.gov.au>

Sample notices

Below are some examples of notices you could use to inform your customer.

Information requested for COVID-19 Contact tracing

The ACT Public Health Emergency Directions require us to request your first name and phone number to allow for contact tracing, in case a client or staff member tests positive for COVID-19. This is to protect your health and safety and others in our community.

We will only disclose your information to health authorities if they request us to do so following a positive COVID-19 test.

We will store your personal information securely and destroy it when no longer needed.

Or (where this information is already being collected for other purposes)

The ACT Public Health Emergency Directions require us to request your first name and phone number to allow for contact tracing, in case a client or staff member tests positive for COVID-19. This is to protect your health and safety and others in our community.

Please be aware that this personal information you provide to us for booking or other purposes may be used for contact tracing if required by health authorities.

We will not disclose this information to anyone other than health authorities if they request this information, or unless you have otherwise agreed. The information will be stored securely and disposed of securely when no longer required.

