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23 November 2019

Dear Kellie Boydens

**Re: Economic and International Affairs Panel – Draft Covid-19 (Workplace Restrictions) (Amendment) (Jersey) Regulations 202-**

Please thank the members of the panel for the opportunity to provide them with my comments on the draft Covid-19 (Workplace Restrictions) (Amendment) (Jersey) Regulations (the Regulations). In response to your question, I have confirmed that the Government of Jersey has not consulted my office or notified me of the draft that you sent to me.

Nevertheless, I have no concerns about the proposed amendments. I understand that the proposed measures are necessary for managing the pandemic and they appear to be limited and proportionate for meeting their stated purpose. Given that they will be authorised by law, they will be in compliance with paragraph 7 of Part 2, Schedule 2 of the Data Protection (Jersey) Law 2018, which permits the processing of personal data to comply with a legal obligation.

Previously, my office commented on the recommendations of the Government to the hospitality sector with respect to contact tracing procedures. At that point, the only applicable authority under the Data Protection (Jersey) Law 2018 for the collection of the necessary personal data was individual consent. We stated that establishments required informed consent for the collection of the personal data, and could not refuse service to patrons who did not provide this consent.

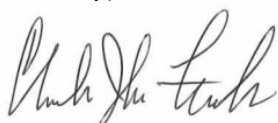
Once these amendments to the Regulations are enacted (if passed) and the Minister issues an Order concerning contract tracing requirements, there no longer will be a requirement for establishments to obtain the consent of patrons.

As my jurisdiction is restricted to processing of personal data, I have no comments about the other provisions of the draft proposals, such as requirements for the wearing of masks.

My office still expects establishments collecting personal data for contact tracing purposes to do so in line with the requirements of the Data Protection (Jersey) Law 2018 and process it fairly, ensuring an adequate level of data protection and safeguards for data subjects.

I hope my comments are helpful to the panel. I would be pleased to answer any questions.

Sincerely,



Jay Fedorak  
Information Commissioner