

Hogan  
Lovells

COVID-19 &  
Global Employee Privacy issues

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Prepared for BEERG



## Your speakers

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## The bigger picture

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- Data protection is not in conflict with common sense or saving lives
- The right to privacy is not an absolute right
- But data protection law still applies
- The answer lies in finding the right balance
- That means meeting the test of **necessity** and **proportionality**

**Data protection law  
cannot be ignored –  
even at times of crisis**

## Practical steps

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### Essential data protection obligations to bear in mind:

- Legal justification
- Transparency
- Purpose limitation
- Data minimisation
- Cybersecurity
- Data protection impact assessment
  - What data, why and how used
  - How essential obligations are being addressed

# Frequently asked questions

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## Examples of employment-related scenarios

- What are the restrictions on sharing information about COVID-19 cases in the workforce?
- May I require self-disclosure of symptoms or diagnosis?
- May we take workforce member temperatures or conduct other exams?
- What kind of privacy disclosure should be provided to employees and should it be global?
- What should we do if governmental authorities request information about personnel from us?
- What privacy issues should be considered if we increase monitoring of remote work?

# Examples of remote working cybersecurity threats

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## Insecure personal devices

Personal computer may lack critical security updates, may not have screen save timeout, insufficient password protection, etc.



## Insecure networking

Attempts to connect to company systems in an insecure way, e.g. using remote desktop software, or using unsecure conference call lines



## Data transfers to personal accounts

Confidential data, personal data, trade secrets should not be transferred to personal accounts or downloaded to personal computer at home



## Physical Document Management Destruction

Confidential data, personal data and trade secrets should preferably not be taken off site and not be printed or disposed at home



## Phishing Schemes or Other Fraud

Data security may not be top priority for employees during the Corona outbreak, which may make them more vulnerable to sophisticated attacks



## Syncing with personal cloud storage accounts

Employees may use personal cloud services to transfer documents or data to and from that may be less secure

## Practical tips to mitigate cyber risk

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- Remind workforce of phishing risk and the need to notify incidents
- Instruct workforce on expected remote working practices
  - Secure devices and networking
  - Proper handling of company data, including personal data, trade secrets and confidential business information
  - Consider designating which software tools are the preferred and approved tools
- Consider approach towards use of personal devices
- Confirm that IT and other teams can conduct incident response remotely
- Review and update Incident Response Policy as needed

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# Discussion



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