

Guidance on Covid-19 Screening

As Newfoundland and Labrador enters Alert level 2, many public body employees are returning to their physical offices. Some employees may be required to meet with non-public body employees as a part of their work.

While best efforts should be made to arrange for alternatives to in-person meetings (e.g. teleconferencing, videoconferencing, etc.), in some cases, public bodies may be required to have non-employees enter their building(s).

Given the Global Pandemic, it is reasonable and practical to screen visitors for Covid-19 prior to attending any in-person meeting. Such questions typically include whether individuals have symptoms of Covid-19; whether they have been in contact with someone who has or had Covid-19; or whether they have been out of the country in the last 14 days. It is important for public bodies to have procedures for employees to follow in the case that they are meeting with non-public body employees in their workplace.

Where screening is taking place, it is important to ensure that individuals' privacy is respected. You should be aware of the following considerations:

1. Advise visitors of procedures prior to their visit:

If an in-person meeting has been arranged you should advise the non-public body employee of any new procedures that they will have to follow when entering the building, including the screening questions that they will be asked.

2. Where individuals do not wish to answer screening questions:

If an individual objects to providing answers to screening questions, an alternative method of delivering services should be provided. This can mean offering a meeting by phone or videoconferencing methods.

3. Minimizing information being asked – framing questions:

Screening questions should be written in a way that will ensure employees are kept safe, but should not ask for more information than is required. For example, if part of the purpose of the screening questions is to prevent individuals who have had close contact with someone who has been outside the country from entering the building:

- “Have you had contact with anyone who has been outside the country in the last 14 days” – this question addresses your safety concerns without asking for unnecessary details.

- “Please tell me everyone you have been in contact with for the last 14 days” would be asking far more information than necessary – it would include information about a person’s social life, friends, and acquaintances, and would not be in compliance with the **Access to Information and Protection of Privacy Act, 2015** (the Act).

4. Ensuring accuracy

We are continually learning more about Covid-19. As we learn more about Covid-19 symptoms, it may become necessary to update screening questions to ensure they accurately screen individuals.

5. Employee awareness

If procedures are developed for screening non-public body employees (e.g. reviewing public body policies re: in-person meetings; standard screening questions for employees to ask, etc.) it is incumbent upon management to ensure that employees are aware of these procedures and adhere to them. For example, if standard screening questions are developed, any staff who may be required to ask visitors these questions should have a copy to ensure they do not ask additional questions or record information they are not required to record.

6. Minimizing information collected – recording responses:

Best practices should be followed and recording responses should be kept to a minimum. In most circumstances it will be sufficient to ask the screening questions and follow established procedures (i.e. either let the individual into the building or not).

If you intend to keep a record of individual’s responses, there must be a clear purpose for doing so that is authorized under the Act. While it is recommended that personal information not be collected for the purposes of COVID-19 screening, if your public body chooses to collect any personal information, you should ensure considerations 7-9 are followed:

7. Include a privacy notice

If you are recording any personal information as part of the screening process (even just a name and the fact that they passed screening), you should provide individuals with a privacy notice. A privacy notice includes a statement noting why the information is being collected; the authority for collecting it; and a contact person they can call to ask questions. For example:

Your information is being collected for the purpose of screening visitors for Covid-19 and ensuring the safety of our employees. This information is collected under the

authority of s. 68(1)(c) of **the Access to Information and Protection of Privacy Act, 2015**. Any questions can be directed to Jane Doe, Manager, at 123-4567.

8. Limit use and disclosure

If you are recording the responses to screening questions, these records should only be accessed by employees who require access for their job.

As noted above, you should inform individuals how you will be using their information. If you state to individuals that you will only be using the information to decide if it is appropriate to have a meeting, you cannot usually use the information for other purposes.

There are some exceptions to this rule set out in section 66 and 68 of the **ATIPP Act, 2015**. If you have collected information and later believe you should use or disclose it for a different purpose, please discuss this with the ATIPP Office or your solicitor.

9. Retaining and disposing of information

While you should not be collecting personal information in relating to COVID-19 screening questions, if your public body does, any information you record in relation to screening visitors must be kept secure and disposed of once no longer necessary. You should consult your IM division to ensure the destruction of records is in compliance with the **Management of Information Act**, and determine whether a new retention schedule is required prior to destruction. Additionally, any privacy breaches must be reported to the ATIPP Office and the Office of the Information and Privacy Commissioner.