



MINISTRY OF HEALTH
Palackého náměstí 375/4, 128 01 Praha 2

Prague, March 19, 2020
Reference No: MZDR 12398/2020-1/MIN/KAN
MZDRX019JEED

EXTRAORDINARY MEASURE

The Ministry of Health as an administrative authority competent pursuant to Section 80 par. 1 letter g) of the Act No. 258/2000 Coll., Public Health Protection Act, amending certain related acts, as amended (the “Act No. 258/2000 Coll.”), adopts within procedure pursuant to Section 69 par. 1 letter i) and par. 2 of the Act No. 258/2000 Coll., in order to protect the population and to prevent danger of outbreak and spread of the COVID-19 disease caused by the new coronavirus SARS-CoV-2, this extraordinary measure:

I.

- a) Entrepreneurs providing a public mobile communications network (the “operators”) shall provide the Ministry of Health or a competent regional hygiene station (either as the “recipient”) with results of processing location data related to traffic of a designated telephone number within a specified period of time (collectively, the “data”) of a user of a designated telephone number (the “data subject”) and in accordance with paragraph II.
- b) Banks shall provide the recipient with data on time and place of use of an electronic payment instrument (the “data”) of persons who were in an area determined by the recipient on the basis of data received pursuant to paragraph I. letter a), or with results of processing these data in accordance with paragraph II.

II.

The processing and provision of the data referred to in paragraph I. shall be carried out only at the request of the recipient and only for the designated telephone number, whereas at the same time the recipient may request said data only if the data subject is a person infected with the coronavirus SARS-CoV-2 and further explicitly and unequivocally confirms his/her consent to processing of data pursuant to this extraordinary measure. Prior to providing consent, the user must be clearly informed by the recipient at least that:

1. data or the results of processing shall be transferred by the subjects referred to in paragraph I. to the recipient who shall be the controller of said data,
2. the sole purpose of this data processing is carrying out an epidemiological tracking of the transmission of COVID-19 and identifying the risk groups of the population to the level of individual persons being jeopardized by COVID-19,
3. the operator shall process and provide location data for the maximum period of three weeks prior to processing, banks shall process and provide certain existing data regarding the use of an electronic payment instrument,
4. the data subject may revoke the consent at any time.

The data referred to in paragraph I. may be kept only for a period of time necessary to fulfil the purpose. This period of time shall not be longer than 6 hours.

The data referred to in paragraph I. no longer necessary to fulfil the purpose shall be erased immediately after the end of the processing period, but no later than within the period specified in the previous paragraph.

III.

This extraordinary measure enters into force on March 19, 2020 at 12:00.

Rationale:

The extraordinary measure is adopted in relation to the adverse development of the epidemiologic situation regarding the COVID-19 disease. The subject-matter of the measure is to lay down obligations for the subjects referred to in paragraph I. leading to eradication of the epidemic by means of epidemiologic tracking of the transmission of COVID-19 and determining the risk groups of the population. This activity consists in processing and providing data to the recipient pursuant to paragraph I. The condition for provision of such data which are in principle protected by confidentiality of communication or bank secrecy, is expressing an informed and free consent of the person concerned – the user.

This is one of the measures necessary to prevent the spread of COVID-19 disease and is issued in the public interest and for the purpose of maintaining public security, which includes maintaining the functionality of important public services, including medical, enforcement and emergency services in the territory of the Czech Republic. Furthermore, this measure is issued for the purpose of strengthening protection against serious cross-border health threats. This measure also fulfils the conditions of necessity and proportionality of interference in personality rights and freedoms by stipulating the obligation of consent of the user, the obligation to process data only for the specified purpose and to not transfer it for any other purpose. Thus, there shall be no interception of communication or content of delivered messages, no information about account balances or payments etc. is required, the collected data shall be used only for the clearly specified purpose (see below), the data shall not be used as evidence in administrative or criminal procedures, the data shall be erased immediately after the purpose for their processing ceases to exist. At the same time, the processing period of the data shall not exceed 6 hours.

Immediate implementation of this measure is necessary for an adequate evaluation of the risk in the view of the current adverse epidemiologic situation regarding the spread of the COVID-19 disease, and therefore the date of entry into effect of this extraordinary measure is the day of its issue.