

Data Protection Information Notice

Behavioural Research Trial COVID Tracker App

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Health Service Executive
Department of Health
01/06/2020

0. Behavioural Research Trial

The data processed for the behavioural research trial period will cover a period of 2 weeks. The information in this document applies, save for the following:

- a) The period of data retention is 2 weeks, after which point all data will be deleted.
- b) The purpose of the app for the period of the trial is to gain behavioural insights from daily usage of the COVID Tracker App.
- c) Trial participants will be issued a code that will determine the specific version of the app they receive. The core app is unchanged the experiments relate to – evaluating framing, calls to action and presentation of content within the app.
- d) No data will be processed in any way for health purposes. There will be no communication of COVID related status, or close contact status, as part of this test. The Contact Tracing Centre (i.e. the manual contact tracing operations) will not ring you as part of this test.
- e) Trial participants will be asked to use the COVID Check-in feature to gather report on their COVID symptoms on a daily basis.
- f) The CSO will not receive any data as part of the test.
- g) No SMSes will be sent as part of the test.
- h) Trial participation is voluntary.

1. Introduction

The purpose of this information notice is to explain how the COVID Tracker App works, what data is collected by the app, who has access to that data and the purposes for which they use it.

Use of the app is entirely voluntary and is available to download for free from the Apple App Store and the Google Play Store. The app runs on iPhones that support iOS 13.5 and higher, and Android phones running Android 6.0 and higher. The App is not intended for use by persons under 16 years of age, as they are considered not to have reached the digital age of consent. You will be asked to confirm that you are 16 years or older after you download the App.

2. The Data Controllers

The Health Service Executive (HSE) and the Department of Health (DoH) are Joint Data Controllers - they have together decided the means and purposes for the processing of personal data (which includes special categories of personal data) using the app. The HSE run all app related systems and process all data. The DoH provide strategic direction for the app.

The HSE and DoH are therefore jointly responsible for your personal data and have determined their respective responsibilities for compliance with their obligations under data protection laws. The HSE and DoH have decided in a joint agreement that the HSE will act as the primary contact in respect of exercising your rights under data protection law, though note that you also have the right to contact the DoH in this regard.

3. The Data Protection Officer

You can contact the HSE Data Protection Officer for data protection information in relation to the app.

HSE Data Protection Officer
Email: DPO@HSE.ie
Tel: +35316350359

4. What the app does

The app has the purpose of supporting the national public health response and members of the public during the COVID-19 crisis. The app has the following functions.

1. Contact Tracing – to notify you as quickly as possible should you have been in close and sustained contact with someone who has tested positive.
2. COVID Check in – to enable you to record and upload your health symptoms anonymously to the HSE on a daily basis.
3. News and Information – to give you trusted and convenient facts and figures on the latest state of our fight against COVID-19.
4. Other Functions – the app can, with your permission, collect anonymous metric data so that the HSE, DoH and public health teams can monitor how the app is contributing to the response efforts and get a better understanding of the spread of the virus. The app also has a Leave function that allows you to delete all data held by the app at any time.

The app gives you the option to use some or all of these features and you can enable or disable each of these features separately within the app settings. App settings also gives you the ability to remove or update any information you provided to the app, at any time.

5. How the app works

Let's look at each feature in the app in detail.

5.1 How Contact Tracing works

Existing manual contact tracing processes rely on you being able to remember who you have been in contact with recently, and for how long. In many cases you may not even know those people (for example, if the contact happened on a bus or train, at a concert, a restaurant or some other public venue).

The app uses technology developed by Apple and Google where anonymous rolling identifiers are exchanged between mobile phones. A random and unique identifier is generated by your phone every 10 to 20 minutes. If you are close to someone, who also uses the app on their phone, your identifier will be saved on that person's phone and you will record their identifier on your phone. All identifiers collected will remain on your mobile but you can't see them, nor can anyone else. These anonymous identifiers cannot identify you to other users or to the HSE.

If a person subsequently receives a positive COVID-19 diagnosis, they will receive a call from the Contact Tracing Centre ('CTC') within the HSE. They will be asked if they are using the Contact Trace feature on the app and if yes, if they wish to upload their own identifiers in order to assist the contact tracing process. To do this, the CTC will send them a code by SMS which when entered into the app unlocks an upload function. The person can then choose to upload their own identifiers, to a HSE Registry, where the identifiers are published publicly are now referred to as Diagnosis Keys.

Every two hours, the latest Diagnosis Keys from the HSE Registry will be downloaded by every user's phone. These will be used to check for matches against the identifiers of the contacts that have been collected by your phone. If there is a match, you will be notified in the app that you were in close contact with a person who was diagnosed with COVID-19, this is called an 'Exposure Notification'.

For all this to work, you have to 'Allow' COVID-19 Exposure Notification Services ('ENS') on your phone.

You can also choose to 'Allow' your phone to display notifications so that you also receive an alert on your phone that you have been exposed to someone who has tested positive for COVID-19. You can turn off this functionality, if you change your mind, in the settings page of the app.

In the event you receive an Exposure Notification, you may want someone from the HSE to call you. For this to happen you will be asked for your mobile number in the app. This is optional. If you do provide it, it will remain in your app until such time as you receive an Exposure Notification, and then, and only then, your number will be uploaded to HSE and they will call you.

It is important to note that Contact Tracing never reveals the identity of any person using the app to other app users, and never reveals who has been diagnosed positive. Also, if you don't want a follow up call from the HSE and don't enter your phone number, the HSE will not know if you receive an Exposure Notification.

5.2 How COVID check-in works

The COVID check-in feature of the app enables you on a daily basis to record and upload your COVID-19 related symptoms to the HSE. The HSE does not know who the COVID-19 symptoms related to. If you choose to check in you will be asked how you are feeling, and if you respond with 'I'm not feeling well today' you will be asked 4 follow up questions - if you have a fever, difficulty breathing, a cough, and any cold/flu like symptoms. You can check in once a day and these symptoms are uploaded to the HSE. The app will keep a record of your daily check-ins for 28 days to enable you to review them.

The first time you use the COVID Check in feature, you have the option to provide your sex, age range and your county and town (if applicable). You do not have to provide these. These are optional. If you do provide this information, it will be uploaded to the HSE on a daily basis along with your symptoms. You can delete this demographic data at any time through app settings.

5.3 What News and Information is

The app will provide you with the latest updates on the national fight against COVID-19. While this information is already available on HSE.ie and Gov.ie, the app will display the key numbers in an easily accessible way within the app. This includes statistics such as the total number of confirmed cases, number of deaths, numbers hospitalised, the number of cases per county, etc.

5.4 What app metrics are collected

Metrics can be sent to the HSE to enable the HSE, DoH and public health teams understand your use of the app and what you are uploading. Metric data does not identify you and is used to create aggregate views of how the app is being used and the impact it is having on the virus. Here is a list of the app metrics which, if you consent, are collected from your app.

- a) Whether the app on your phone is in use
- b) Whether the app was deleted or dropped during the on-boarding screens
- c) Whether the app has exposure notification services switched on
- d) Whether the app has received an Exposure Notification
- e) Whether the app has uploaded diagnosis keys
- f) The number of diagnosis key matches per Exposure Notification
- g) Number of days between the app triggering an Exposure Notification and the upload of diagnosis keys, if applicable
- h) Ratio of exposure notifications to positive cases

6 What data is collected and processed

The information processed in the app is a combination of personal data, special categories of personal data (health related data), and anonymous data.

This information is collected in three different ways.

- a) Provided by you the user (should you choose to provide it);
- b) Generated by services on the phone;
- c) Automatically collected from your phone.

6.1 Provided by you

If you wish, you can provide the following information.

- a) Your phone number, for a follow-up call
- b) COVID check in information
 - i. Health symptoms such as fever, cough, shortness of breath.
 - ii. Sex
 - iii. Age range
 - iv. County
 - v. Town

Your mobile number is linked directly to you and is therefore your personal data. The symptom data does not reveal your identity.

6.2 Generated by services on the phone

The following data is generated by Exposure Notification Services running on your phone if you turn it on.

- a) Identifiers sent and received between phones that have ENS turned on.
- b) Identifiers (diagnosis keys) uploaded to the HSE Registry if you are COVID-19 positive and you agree to upload them.
- c) Identifiers (diagnosis keys) downloaded from the HSE Registry to your phone for matching.

The above identifiers are pseudo random alpha numeric values that cannot be used to identify you or anyone else. These are generated, collected and matched on your phone if you enable ENS.

6.3 Automatically collected from your phone:

As a consequence of how traffic passes across the Internet, your internet protocol (IP) address is also inevitably transferred to our servers. An IP address is typically made up of 4 sets of numbers (e.g. 1.2.3.4) and is assigned to you by your mobile phone or Wi-Fi service provider. Under the GDPR your IP address is regarded as your personal data.

Your IP address is uploaded with your mobile number (if provided), identifiers and COVID check in information to HSE when you chose to upload this information to HSE data servers. While your data travels with the IP address it is considered personal data. The HSE does not use your IP address to identify you; furthermore the IP address is removed at the 'front door' of the HSE servers and the information becomes anonymous again and cannot be linked back to you.

7. The legal basis for data processing

The app is voluntary to use and the legal basis for the processing of the data is consent – namely GDPR 6.1.a and GDPR 9.2.a.

8. Security measures

All data stored on your phone is encrypted by the app using the built-in encryption capability of your phone. Data is also encrypted when it is being uploaded to our servers.

The Contact Tracing feature uses a fully ‘decentralised’ privacy model which means that the matching of identifiers and diagnosis keys happens on your phone and not externally by the HSE. This ensures no tracking of peoples’ movements or who they contact can be done.

There are a range of security processes and technologies in place to prevent unauthorised access to the data while it is stored on our servers, including data encryption, modern firewalls and intrusion prevention.

When information such as diagnosis keys and symptoms are uploaded to HSE servers with your IP address, the IP address is stripped from the information at the earliest possible opportunity which renders the information anonymous.

9. Who processes your data

The HSE is responsible for running the app and all infrastructure required to operate and maintain the app and backend servers.

9.1 Data processors

There are a number of data processors who provide services to the app for the HSE and will have access to your information, these are as follows.

- NearForm are the app developers who will be providing technical support on the running of the app.
- Twilio are the company that send an SMS to your phone which contains the code needed to upload your identifier beacons to HSE.
- Amazon Web Services provide cloud storage and cloud services for the data uploaded from your phone.
- PFH Technology Group are a managed services company that provides support for IT systems with the HSE.

Contracts are in place with these third-party processors which set out the processor’s obligations and the data controllers obligations and rights with regard to the personal data that is being processed.

9.2 Other recipients

Anonymous COVID check in information and anonymous app metric data is shared with the Central Statistics Office (‘CSO’). The CSO is Ireland’s national statistics office and its purpose is to impartially collect, analyse and make available statistics about Ireland’s people, society and economy.

The CSO will carry out statistical analysis on the information shared with it, which it will publish in line with its remit, including to the National Public Health Emergency Team (NPHE), Department of Health, the Health Protection Surveillance Centre, the HSE, and to the public as appropriate.

The CSO only receives anonymous data from the HSE, they do not receive mobile phone numbers or IP addresses.

10. Data transferred outside the European Economic Area

Twilio processes mobile numbers in the USA. This transfer is carried out in compliance with Data Protection Legislation through a combination of binding corporate rules, Privacy Shield self-certification (a framework to provide US and EU companies with a mechanism to comply with data protection requirements when transferring personal data from the European Union to the United States <https://www.privacyshield.gov/>) and standard contractual clauses.

11. How long your personal data is held for

Mobile number:

Once Twilio send you a SMS with the code, they delete your number.

If you get an Exposure Notification and you have asked for the HSE to call you, the app will send your number to the HSE CTC. The app and the app servers will immediately delete your number once it is transferred to the HSE CTC. The HSE CTC will then process your number in line with the current contact tracing operations. Please refer to the data privacy notice on the wider COVID-19 response for more information on this:

<https://www.hse.ie/eng/gdpr/data-protection-covid-19/>.

If you don't get an Exposure Notification your number remains in the app on your phone until you use the Leave button on the app, or you delete the app from your phone, or you remove the phone number within the app settings.

Your IP Address:

Following upload of your IP address to HSE servers, it is deleted once the server network layer has routed the traffic to the application layer. User IP addresses are never transferred to the application layer.

Identifier beacons on your device:

This anonymous information is retained for 14 days.

Diagnosis keys in HSE registry:

This anonymous information is retained for 14 days.

Diagnosis keys on your device:

This anonymous information is retained for as long as is necessary to perform a match check and is deleted thereafter.

COVID Check in information:

This information remains on your device for 28 days

If uploaded to the HSE, this anonymous information is retained for 1 day after receipt by the HSE in order to transfer to the CSO. The CSO retain this data in line with its data management policies.

App metrics:

This anonymous information is retained by the HSE for a minimum of 7 years and is reviewed at that stage for extension or deletion depending on its health value. The CSO retain this data in line with its data management policies.

12. Data Subject rights

You have the following data subject rights under GDPR In respect of the personal data processed by the app.

- **Request information on and access** to your personal data (commonly known as a 'data subject access request'). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal data.
- **Object to automated decision-making** including profiling, that is not to be the subject of any automated decision-making by us using your personal data or profiling of you.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request transfer of your personal information** in an electronic and structured form to you or to another party (commonly known as a right to 'data portability'). This enables you to take your data from us in an electronically useable format and to be able to transfer your data to another party in an electronically useable format.

You also have the right to make a complaint to the Data Protection Commission at any time in relation to any issues related to our processing of their personal data. The Data Protection Commission can be contacted as follows:

- Via their website: www.dataprotection.ie
- By post: Data Protection Commission, 21 Fitzwilliam Square, Dublin 2, D02 RD28, Ireland.

13. Changes to this Data Protection Information Notice

This Data Protection Information Notice may change from time to time and you will receive notification of this update in the app.