Version 1.01 - Updated 13/7/2020 - Section 9.1 updated to reflect that two of the third party data processors listed do not have access to user data.

Version 1.02 Updated 28/07/2020 – Section 5.1 updated to notify users that they will be able to use this app when travelling abroad and that apps used by visitors from those countries will work here. Changes also reflect the voluntary nature of users choosing to upload their diagnosis keys.

Version 1.03 – Updated 06/08/2020 – Contact details for data protection Officer (DPO) at the HSE updated.

Version 1.04 – Updated 08/10/2020 – Updated to address the introduction of interoperability of national contact tracing apps between participating EU member states.

1. Introduction

The purpose of this privacy information notice is to explain how the COVID Tracker App (the 'app') works, what data is collected by the app, who has access to that data and the purposes for which the data is used. This notice also provides you with information about your data protection rights under data protection law, including under the EU General Data Protection Regulation (EU Regulation 679/2016) ('the GDPR').
The app is available to download for free from the Apple App Store and the Google Play Store. Use of the app by you is completely voluntary – it is your choice to download it, your choice to keep it on your device, your choice to opt-in to and use the different services that are available on the app, and your choice to delete it. You will never be required to use the app in order to access other services from the HSE or Department of Health. You will be given a separate opt-in (consent) for each service that processes your personal data in the app. You can withdraw your consent(s) at any time.

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 for the app. Together they decided the means and purposes for the processing of personal data (which includes special categories of personal data – health data) using 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.

In practice, the HSE run all app related systems and process all personal data collected via the app. The DoH provide strategic direction for the app. 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.

Interoperability between contact tracing apps is being introduced across the EU starting in October 2020. The HSE is the data controller for this service in Ireland. Along with other participating member states, the HSE will act as joint data controller for the interop service at EU level. For the latest list of participating member states, see https://covidtracker.gov.ie/

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

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, without revealing your identity, to the HSE on a daily basis.
3. News and Information – to give you trusted and convenient facts and figures about coronavirus (COVID-19) in Ireland.
4. Other Functions – the app can, with your permission, collect 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 they operate independently of each other. There are no linkages or cross-pollination of personal data across these features of the app. The app settings also give you the ability to remove or update any personal 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 (i.e. where people tell us by phone or in person who they have been in contact with) rely on people being able to remember who they have been in contact with recently, and how long that contact lasted for. In many cases people do not know who they have been in contact with (for example, if the contact occurred on a bus or train, at a concert, a restaurant or some other public venue).

The app uses technology developed by Apple and Google called COVID-19 Exposure Notifications where anonymous rolling identifiers are exchanged between mobile phones. Exposure Notifications enable your phone to generate a random, unique identifier every 10 to 20 minutes. If you are close to another phone that also has Exposure Notifications turned on, your identifier will be saved on that person's phone and your phone will record their identifier. All identifiers will remain on your phone, although neither you nor anyone else will be able to see them. These anonymous identifiers cannot identify you to other users or to the HSE.

If you subsequently receive a positive COVID-19 diagnosis, you will receive a call from the Contact Tracing Centre ('CTC') within the HSE. You will be asked if you are using the Contact Tracing feature on the app and, if you are, you can choose to upload your own identifiers to assist the contact tracing process. To do this, the CTC will send you a code by SMS which, when entered into the app, unlocks an upload function. You can then choose to upload your identifiers to a HSE Registry where the identifiers are published publicly and are referred to as Diagnosis Keys. You are not obliged to upload your diagnosis keys.

At least once every four hours, the latest Diagnosis Keys from the HSE Registry will be downloaded by the app on every user's phone. These will be used by the app to check for matches against the identifiers that have been collected by your phone. If there is a match indicating that you were in sustained close contact with a person who was diagnosed with COVID-19, you will be notified in the app. This is called a 'Close Contact Alert'.

For all this to work, you have to turn on the Apple/Google Exposure Notifications service on your phone. You will be presented with an option to allow the app to use this service and to turn this service on during the initial screens after you have installed the app. You can change your mind and turn this service on or off at any time through the app settings.

If you get a Close Contact Alert, a message will display prominently within the app. You can also choose to allow the app to display a phone notification in the event of a Close Contact Alert. You will be asked if you wish to allow Notifications during the initial screens after you have installed the app. You can change your mind and turn this service on or off at any time through the app settings.

In the event you receive a Close Contact Alert, 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 a Close Contact Alert. Then, and only then, your number will be uploaded to the HSE and they will call you.

It is important to note that the Contact Tracing feature 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 a Close Contact Alert.

To facilitate all island coverage, the Irish contact tracing app is interoperable with 'StopCOVIDNI', the contact tracing app deployed in Northern Ireland. The Irish app is also interoperable with other contact tracing apps using Apple Google Exposure Notification technology and the EU have established a service whereby users of these apps can be notified of a close contact regardless of which member state contact tracing app is being used. The service is based on the operation of an EU operated European Federated Gateway Server (EFGS). For the latest list of countries participating in this service go to https://covidtracker.gov.ie/ . More information on this service can be found here https://ec.europa.eu/health/sites/health/files/ehealth/docs/mobileapps_interoperabilitydetailedelements_en.pdf

5.2 How COVID Check-In works

The COVID Check-In feature of the app enables you on a daily basis to share your COVID-19 related symptoms with the HSE. The HSE does not know who the COVID-19 symptoms relate to. If you choose to check in you will be asked how you are feeling. 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 loss of taste or smell. You can check in once a day and these symptoms will be uploaded to the HSE. The app will keep a record of your daily check-ins for 28 days to enable you to review your check-in history.

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 so it is no longer shared with the HSE during check-in at any time through the app settings.

5.3 What News and Information is

The app will provide you with the latest updates about coronavirus (COVID-19) in Ireland. 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, and the number of cases per county.

5.4 What app metrics are collected

Metrics can be collected and sent to the HSE to enable the HSE, DoH and public health teams to understand your use of the app, its effectiveness as part of the pandemic response, and how to improve it. 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.

1. Whether the app on your phone is in use

2. Whether the app was deleted or dropped during the on-boarding screens
3. Whether the app has the Exposure Notifications service switched on
4. Whether the app has received a Close Contact Alert
5. Whether the app has uploaded diagnosis keys
6. The number of diagnosis key matches per Close Contact Alert
7. Number of days between the app triggering a Close Contact Alert and the upload of diagnosis keys, if applicable
8. Ratio of Close Contact Alerts to positive cases

6. What data is collected and processed

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

This information is processed in 3 different ways, depending whether the information has been provided by:

1. you the user (should you choose to provide it);
2. the Exposure Notifications service;
3. your phone or the app.

6.1 Provided by you

If you wish, you can provide the following information.
1. Your phone number – this is used for a follow-up call if you get a Close Contact Alert. If you want a follow-up call, the app will only share the phone number with the HSE in the event of a close contact being registered by the phone. Also, related, if the phone number is shared with the HSE for a follow-up call this is accompanied by the most recent date that you had the close contact so that you can be given appropriate health advice by the HSE (for example, to quarantine for 14 days from the date of last exposure).
2. COVID Check-In information
   ▪ Health symptoms such as fever, cough, shortness of breath.
   ▪ Sex
   ▪ Age range
   ▪ County
   ▪ Town
3. Your mobile number – if you are diagnosed positive for COVID-19, with your consent CTC will use your mobile number, collected by CTC, to send an upload code to your mobile so that you can upload your diagnosis keys. If a code is sent and you upload your diagnosis keys, your symptom onset date minus 48 hours is also used so as to only upload diagnosis keys to the HSE Registry for the period that you are potentially shedding the virus.

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

6.2 The Exposure Notifications service

In respect of the Contact Tracing function, the following data is processed for the operation of Exposure Notifications running on your phone if you turn it on.

1. Identifiers sent and received between phones that have the service turned on.
2. Identifiers (diagnosis keys) uploaded to the HSE Registry if you are COVID-19 positive and you agree to upload them.
3. Identifiers (diagnosis keys) downloaded from the HSE Registry to all apps for matching.
4. Identifiers (diagnosis keys) uploaded from national backend servers to the European Federated Gateway Server (EFGS) to support interoperability
5. Identifiers (diagnosis keys) downloaded from the EFGS Federated Gateway Server to national backend servers to support interoperability and downloaded to all apps 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 only if you enable Exposure Notifications.

6.3 Provided by your phone or the app

As a consequence of how network traffic passes across the Internet, your Internet Protocol (IP) address is also inevitably transferred to HSE 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 data protection law your IP address is generally regarded as personal data.

During the initial screens after installation the app carries out tests to verify if the app is a valid HSE app and the phone is a real device. On confirmation, the app connects to the HSE servers and exchanges security tokens to protect the app backend from security attacks. The security tokens are not used to identify you, and are used to check that the Internet traffic coming from the app during its lifetime is from a real COVID Tracker App running on a real phone.

While your data transmitted between the app and the HSE servers includes the IP address and it is considered personal data, the HSE does not use your IP address to identify you. Your IP address is removed at the 'front door' of the HSE servers and any information shared is stripped of the IP address and cannot be linked back to you using this address.

Metric data, if consented to, is collected by the app and is shared with the HSE as described previously.

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 Article 6(1)(a) of the GDPR for the processing of personal data and Article 9(2)(a) of the GDPR for the processing of special categories of personal data, in this case health related data.

Withdrawing consent: You may withdraw your consent at any time, at which point your personal data will no longer be processed. You can withdraw your consent in the following ways:

- The app settings give you the ability to remove or update any personal data you provided to the app, at any time.
- The app has a 'Leave' function that allows you to delete all personal data held by the app at any time. Note: the removal of Exposure Notifications service data held by the phone must be deleted via the phone settings as it is outside the control of the app – this is explained as part of the Leave function.
- If you wish, you can delete the app altogether from your smartphone.
- You can make a request for deletion to the HSE. This is explained in more detail at Section 12 (Data Subject Rights) below.

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 uploaded to our servers. The Contract Tracing feature uses a fully 'decentralised' privacy model. This means that identifier and diagnosis key matches are made locally on your phone. Matches are not made externally by the HSE. This ensures no tracking of people's 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 to ensure it cannot be used in any way to re-identify the person that uploaded the information.

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.

The following companies will have access to your information.

- NearForm are the app developers who will provide technical support on the running of the app.
- Twilio are the company that send the SMS to your phone which contains the code needed to upload your identifier beacons to the HSE. Twilio's services are based in the USA. We set out below what protections are in place for your data that is processed by Twilio in the USA.

The following companies provide services to the HSE but do not have access to your data.

- PFH Technology Group are a managed services company that provides support for IT systems with the HSE.
- Amazon Web Services (AWS) provide cloud storage and cloud services for the data uploaded from your phone. This is processed in Ireland

Contracts are in place between the HSE and each of these third-party processors which set out the processors' obligations and the HSE's obligations and rights with regard to the personal data that is being processed. These contracts comply with the legal requirements for processor contracts set out in the GDPR.

Apple and Google - the app can be downloaded free of charge from the Apple App Store and the Google Play Store. In this regard they are independent controllers as they process account names in order to make the app available. This processing activity is separate to the processing of personal data on the app. Furthermore, although Apple and Google have developed a COVID-19 Exposure Notifications service, which is used in the app, neither company obtain any personal data from the app or the Exposure Notifications service itself.

9.2 Other recipients

The HSE anonymises any COVID Check-In data and any app metric data that it receives from app users. This anonymised 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 (NPHET), 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. It does not receive mobile phone numbers or IP addresses. As such, your personal data is not processed by the CSO in connection with the app.

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 binding corporate rules (BCRs).

11. How long your personal data is held for

Phone number and dates (Contact Tracing function):
On positive diagnosis, with your consent, your phone number and symptom onset date minus 48 hours is used to send you an upload code via SMS and to filter diagnosis keys uploaded to the HSE Registry. Once the SMS is sent it is removed

from the app backend immediately. Once the diagnosis keys are uploaded to the HSE Registry the symptom onset date is removed immediately (it is held for a maximum of 10 minutes in any case).

If you get a Close Contact Alert and you have asked for the HSE to call you, the app will send your number and date of last exposure to the HSE CTC. The app servers will immediately delete your number and date information once they have been transferred to the HSE CTC. The HSE CTC will then process this information 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 your rights in relation to this processing: https://www.hse.ie/eng/gdpr/data-protection-covid-19/.

If you don't get a Close Contact Alert your number remains in the app on your phone until you use the Leave button on the app, delete the app from your phone, or remove the phone number within the app settings. The reason your number is held on the app until you remove it, is so the app can share it with the HSE if you get a Close Contact Alert.

IP Address and security tokens:

Following upload of your IP address to HSE servers, it is stripped at the server network layer on routing of the traffic to the application layer. User IP addresses are never transferred to the application layer. This data is retained for as long as it is needed for network communication.

The app security tokens are deleted on selection of the Leave function, or the deletion of the app. On deletion of the app, this happens immediately on the phone, and after 60 days of inactivity in the app backend (the backend is not aware of an app being deleted). Security tokens are retained on the app and the app backend to protect the app backend from being subjected to attacks and pollution of fake data.

Exposure Notifications Service identifiers on your device (Contact Tracing function):

This information is retained on your phone for 14 days. 14 days is considered a window of epidemiological significance that generally covers the potential for viral transmission.

Diagnosis keys in HSE and EU Interop registry (Contact Tracing function):

This information is retained for 14 days. As above, 14 days is considered a window of epidemiological significance that generally covers the potential for viral transmission.

Diagnosis keys on your device (Contact Tracing function):

This 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 app for 28 days. 28 days is considered a window of epidemiological significance that generally covers the period of symptom onset through to recovery. It can serve as a useful aide-memoire for the user over this period.

If uploaded to the HSE, this information is retained for 1 day after receipt by the HSE in order to transfer to the CSO. The uploaded data is held for 1 day after receipt to give sufficient time to ensure it is securely transferred to the CSO, as data is transferred daily in batch. The CSO retain this anonymous 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. This data is retained for the purposes of monitoring the efficacy of the app and improving it.

12. Data Subject rights

You have rights under the GDPR in respect of the personal data processed by the app. Before listing these, it is first worth noting the following considerations with regard to personal data processing by the app.

- IP addresses are not retained on the HSE servers, but are used for transient network routing and network security purposes.
- Diagnosis keys are not capable of being associated with a person as they are non-identifying by design.
- The HSE have no access to the identifiers that are used to exchange between phones and are recorded on phones by Exposure Notifications.
- Symptom data and related demographic data are anonymised once it is received by the HSE by stripping out IP address data, and as such cannot be associated with a person.
- Phone numbers to which diagnosis key upload codes are sent, are processed in a transient manner and immediately deleted once a SMS is sent.
- Phone numbers, if provided for follow-up calls, are processed in a transient manner and deleted as soon as they are transferred to the contact tracing operation. Data subjects can exercise their rights under the CTC processes.
- Metric data are anonymised once it is received by the HSE by stripping out IP addresses, and as such cannot be associated with a person.
- Personal data provided to the app can be deleted via the app settings, the Leave function and by deleting the app as detailed previously.

You have the following rights as a data subject under the GDPR in respect of your personal data that are 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 your 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.

14.Further information

Further information about the app can be found in the Data Protection Impact Assessment which has been carried out by the HSE and Department of Health about the app. In addition, the source code for the app has been published. Further documentation in relation to the app can be found at https://github.com/HSEIreland/.