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## **NOTICE OF PRIVACY VIOLATION - TRACK & TRACE / VACCINE PASSPORTS**

### **The Facts:**

The General Data Protection Regulation (GDPR - <https://gdpr-info.eu/>) was first introduced to the UK in May 2018 **as EU legislation** and on 1<sup>st</sup> January 2021 became part of UK statute, following Brexit, as the **Data Protection Act 2018**.

### The **Equality Act 2010**

(<https://www.legislation.gov.uk/ukpga/2010/15/contents>) prevents any company introducing policy which could cause discrimination.

### **High Consequence Infectious Disease (HCID) status in UK -**

There are currently no known HCID's in the UK - please refer to (<https://www.gov.uk/guidance/high-consequence-infectious-disease-country-specific-risk#countries-u-to-z>)

As of **19<sup>th</sup> March 2020**, COVID-19 is no longer considered to be a HCID in the UK (<https://www.gov.uk/guidance/high-consequence-infectious-diseases-hcid>)

Any business whether Private or Public must abide by both the GDPR regulations and the Equality Act 2010 and ignorance of the above statutes will not prevent transgressors from being held liable, prosecuted and fined accordingly.

On **13<sup>th</sup> March 2020**, the World Health Organization (WHO) lowered the risk status of Sars\_Cov \_2 (Covid-19) to its current status of not being a HCID and the UK also downgraded Covid-19 accordingly on **19<sup>th</sup> March 2020**. To be clear, this means that there is no current HCID in the UK.

PTO

Unlawful measures and legislation rendering companies liable to prosecution:

On 24<sup>th</sup> March 2020, following the advice of SAGE, lockdowns were unlawfully introduced and emergency measures implemented on the basis of a non-existent HCID.

The **Coronavirus Act 2020**

(<https://www.legislation.gov.uk/ukpga/2020/7/part/1/>)

was additionally enacted specifically for the said HCID and therefore that statute also has no justification or validity for the aforementioned reasons.

There is neither legal or lawful reason to request and/or record the medical data of an individual (classed as "Special Data" under GDPR) without the existence of a current HCID.

From **GDPR Article 9**, companies are unable to use Article 6, 1(c) & (f) unless there is a current HCID within the UK. Recording a name, personal telephone number or any personally identifiable data for health or medical reasons (e.g. the Track & Trace system / Vaccine Passport Verification) is classed as recording medical data and is thus subject to the restrictions of the use and collection of Special Data as stipulated in Article 9 of the GDPR regulations. Fully informed consent from the data subject is now the only really valid condition for processing in this scenario.

Conclusion and follow up actions:

Until such time as the existence of a HCID in the UK can be proved and declared, all UK companies and sole traders are therefore prohibited from recording, processing and/or storing Special Data for any reason which is dependent upon the existence of a current HCID within the UK.

You are now strongly advised to seek legal counsel to verify the above facts and then you should make any changes necessary within your business to ensure that you and/or your company will not be held liable for breaches of the aforementioned legislation.

Dated .....