



**THE MINISTRY OF HEALTH**  
**Palackého náměstí 375/4, 128 01 Prague 2**

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Prague, 19 March 2020

Ref. No.: MZDR 12398/2020-1/MIN/KAN

MZDRX019JEED

## **EXTRAORDINARY MEASURE**

The Ministry of Health, as the competent administrative authority pursuant to Section 80(1)(g) of Act No. 258/2000 Coll., on public health protection and amending certain related acts, as amended (hereinafter referred to as “Act No. 258/2000 Coll.”), orders, proceeding pursuant to Section 69(1)(i) and (2) of Act No. 258/2000 Coll., in protecting the population and preventing the occurrence and spread of the COVID-19 disease caused by the new SARS-CoV-2 coronavirus, this Extraordinary Measure:

### **I.**

a) Businesses providing a public mobile communication network (hereinafter referred to as “Operators”) are hereby ordered to provide to the Ministry of Health or an authorised regional public hygiene station (hereinafter referred to as the “Recipient”) the results of the processing of operating and localisation data related to the operation of a designated telephone number for the period designated (collectively referred to as “Data”) of the user of the designated mobile telephone number (hereinafter referred to as the “Data Subject”), in line with paragraph II.

b) Banks are ordered to provide to the Recipient information about the time and place of the use of an electronic means of payment of persons (hereinafter referred to as “Data”) located in a territory identified by the Recipient on the basis of the data obtained pursuant to paragraph I (a), or the results of the processing of that information, in line with paragraph II.

### **II.**

The processing and provision of data referred to in paragraph I is ordered solely at the Recipient’s request and solely for the designated mobile telephone number, and the Recipient is only authorised to request the data if the Data Subject is a person infected with the SARS-CoV-2 coronavirus and if he explicitly and clearly confirms, in advance, his consent to the processing of data pursuant to this Extraordinary Measure. Prior to expressing his consent, the user must be clearly and comprehensibly informed by the Recipient of at least the following:

1. Data or results of processing shall be provided by the entities referred to in paragraph

- 1 to the Recipient who shall be their controller;
2. The exclusive purpose of the processing of the data is to perform epidemiological tracing of the transmission of COVID-19 and to identify at-risk population groups, down to the level of individual users threatened by COVID-19;
3. The Operator shall draw up and provide operating and localisation data for a period of at least three weeks retrospectively, and in the case of banks, certain existing data concerning the use of an electronic means of payment shall be processed and provided;
4. The Data Subject is entitled to withdraw his consent at any time.

The data referred to in paragraph I may only be retained for a period required for the fulfilment of the purpose. That period may never exceed 6 hours.

The data referred to in paragraph I which is, in an individual case, no longer required for the purpose, shall be deleted immediately after the processing period, but no later than within the period specified in the previous paragraph.

### III.

This Extraordinary Measure shall take effect on 19 March 2020 at 12:00 Noon.

#### **Rationale:**

This Extraordinary Measure has been issued in connection with the adverse development of the epidemiological situation in terms of the occurrence of the COVID-19 disease. The subject of the measure is to lay down an obligation for the entities specified in paragraph I to engage in activities leading to the liquidation of the epidemic, using instruments for epidemiological tracing of the transmission of COVID-19 and by identifying at-risk population groups threatened by COVID-19. These activities include the processing and handing over of data to the Recipient in line with paragraph I. A condition for the transfer of such data that is, in principle, protected under confidentiality of communication or bank secrecy, is the explicit, informed, and free consent of the person concerned – the user.

This Measure is an important prerequisite for the prevention of the spread of the COVID-19 disease and is being issued in the public interest, in order to maintain public safety, which includes maintaining the operation of important public services, including medical, security and rescue systems in the Czech Republic. Furthermore, this measure is being issued in order to enhance protection from serious cross-border medical threats. Furthermore, the measure meets the requirements of necessity and adequacy for contraventions of personal rights and freedoms, as it requires the user's consent, lays down the obligation to use the data only for the purpose intended, and not to transmit it for any other purpose. This will not result in any tapping of communication or of the contents of messages carried, no information about account balances, account payments or any such things is being required; the data obtained will be used only for a clearly defined purpose (see below), the data will not be used as evidence in administrative or criminal proceedings, and the data will be deleted immediately after the purpose of their processing expires. Furthermore, the period for retaining this information and data must not exceed six hours.

The immediate implementation is required for an adequate assessment of risks, given the present adverse epidemiological situation in terms of the occurrence of the COVID-19 disease, which is why the Extraordinary Measure shall take effect on the day of its issue.

**Mgr. et Mgr. Adam Vojtěch, MHA**  
Minister of Health

Signed electronically

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Electronic signature  
– 19/3/2020  
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