



7th April 2021

Deputy Catherine Murphy
Dail Eireann
Leinster House
Kildare Street
Dublin 2

Re: PQ 15249/21: To ask the Minister for Health the number of complaints received in respect of the contact tracing database since it was set up to date in 2021; and if he and or the HSE are engaging with the Data Protection Commissioner in respect of the robustness of the data protection measures in place in respect of the database.

PQ 15248/21: To ask the Minister for Health the way in which the contact tracing database was constructed; the way in which it operates; the number of individual entries on same; the information that is held on each person who has been part of the tracing process; if the data is deleted; if the data is being used for any other purpose; the public authorities and or agencies that have access to it; the way in which the data is protected; and the data controller for the database.

Dear Deputy Murphy,

I refer to the above Parliamentary Questions which have been referred by the Minister for Health to the Health Service Executive for direct response.

In order to respond clearly to each of your questions in full, I have broken out your queries into individual components. I trust this is of assistance.

Ref PQ 15249/21: The number of complaints received in respect of the contact tracing database since it was set up to date in 2021?

No specific complaints in relation to the Covid Care Tracker (CCT) database have been received by the HSE's Contact Management Programme to date. While investigating complaints such as complaints relating to for example, delays in the issuing of test results, we actively seek to identify where the error occurred in the end to end Testing and Tracing pathway, which would include if any errors arose due to a technical issue or data input issue with the CCT. In cases, where an error was caused by a technical issue/data input issue with the CCT we resolve this as soon possible.

Requests to the HSE's Data Protection Office regarding personal records are not specifically categorised as complaints and are recorded and dealt with separately by the HSE. The vast majority of these requests are resolved in an informal amicable manner. A limited number of these requests may result in subsequent complaints being made to the Data Protection Commission as is an individual's right. We are not aware of any such complaints in relation to the CCT at this time

Engagement with the Data Protection Commissioner in respect of the robustness of the data protection measures in place in respect of the database?

As part of the response to the current pandemic a number of additional documents were developed by the HSE to facilitate understanding of data protection requirements as they relate to the management



of Covid 19, please see in particular the [HSE's Data Protection Covid 19 Privacy Notice](#) and the [HSE's Covid Tracker App – Data Protection Information Notice](#).

The HSE's Data Protection Office have, since the onset of the pandemic, engaged extensively with the Data Protection Commission on a wide range of data and privacy related issues connected with the overall HSE COVID-19 response to ensure that we are managing data appropriately and continue to do so.

Ref PQ 15248/21: The way in which the contact tracing database was constructed?

The HSE developed and delivered the Covid Care Tracker solution (CCT) for Public Health in partnership with relevant external providers, as outlined below, to help manage the HSE's response to the pandemic. The CCT was initially constructed by identifying a minimum data set of information required to record Covid test results and to initiate the contact tracing process. As new Public Health requirements were identified and the contact tracing process evolved, additional data items were added to meet these new Public Health requirements. This comprehensive solution was developed in conjunction with Public Health to manage every aspect of the testing and tracing process in a multiple of settings including General Practice, Covid-19 test centres, Covid testing laboratories, test and trace centres and to inform reporting suites.

The way in which the Covid Tracker solution operates?

The CCT is a cloud-based solution developed by the HSE in partnership with Microsoft, in addition to a number of partners including Sysco Software Solutions and Tekenable. The CCT is designed, as all HSE software solutions, based on the associated Model of Care. The model of care in this instance incorporates everything from initial contact with a GP, testing, community assessments, hospital care, ICU care and follow up care in the community. The CCT has three core functions:

- a) Test Referrals and scheduling
- b) Results Notification
- c) Contact Tracing

The number of individual entries on the Covid Tracker solution?

The CCT supports test referrals and scheduling, results notification, contact tracing of cases, close contact collection and patient management. We estimate that at time of reporting there is in excess of 5,143,764 records.

The information that is held on each person who has been part of the tracing process?

The CCT captures Epidemiological and Demographic information as part of the contact tracing process. The data collection / processing requirements that have been developed and deployed to support the management of Covid-19 within the HSE, including linkages with Contact Tracing Centres, have been developed to ensure that at each of the relevant stages only a minimum data set is viewed, updated, inserted and accessed and that the functionality is role based only e.g. a contact tracer can access what is purely relevant for the specific purposes concerned.

Data Subjects (patients) who are contacted via the HSE for COVID-19 contact trace purposes are asked to provide details directly to the HSE and this is governed by the [HSE's Privacy Policy](#).

The legal basis for these interactions from a public health perspective is underpinned by section 11 of the [Infectious Diseases Regulations 1981](#) which states that a Medical Officer /or a Health Officer on

the advice of a Medical Officer must make such enquiries and take such steps to investigate and prevent the spread of disease.

If the data on the Covid Tracker solution is deleted?

In terms of data retention, due to the ongoing urgency of the response to COVID-19 and the evolving nature of the virus, the HSE is currently retaining relevant data for the duration of the pandemic. A specific retention period has not been advised at this time given the focus on responding to the pandemic. While GDPR does not specify data retention periods it does state that data should only be retained for as long as it is required to satisfy the purposes for which it was originally collected. Data retention periods will be considered and agreed as part of the ongoing work to manage the pandemic response. Public Health requirements will be factored into decision making in this regard.

If the data, on the Covid Tracker solution, is being used for any other purpose?

The CCT collects data from a variety of sources and that is being used to provide information and insights to support the work of the National Public Health Emergency Team (NPHE), the HSE's Health Protection Surveillance Centre (HPSC), the Department of Health and other key decision making forums.

The public authorities and or agencies that have access to it?

All HSE Public Health Departments, Acute Hospitals, HSE Covid Community Assessment Hub operators, HSELive operators and those engaged by the HSE's Contact Management Programme, either employed directly or indirectly in the provision of Contact Tracing Services.

Data Processing Agreements are in place and security due diligence carried out by HSE ICT with all relevant partners/external bodies involved in providing any technology to support the care pathway.

The way in which the data is protected on the Covid Tracker solution?

As above the HSE will only share/provide access to the minimum information that is required for the specific purpose / role concerned.

Staff working in Contact Tracing Centres for the HSE are made aware of all relevant policies and procedures in this regard. As part of the training they are asked to let Service Users know that their feedback and their personal details will be treated in confidence to the greatest extent possible, consistent with the public interest and the right to privacy as per the above referenced policies. Staff are made aware that under Data Protection legislation, personal information should only be used or disclosed for the purpose for which it was collected or another directly related purpose.

As part of the training provided by the HSE, Staff are made aware of the advice of the Data Protection Commission that any data processing in the context of preventing the spread of COVID-19 must be carried out in a manner that ensures security of the data, in particular where health data is concerned. The identity of affected individuals should not be disclosed to any third parties or to their colleagues without a clear justification.

The CCT solution is delivered by Microsoft CRM Dynamics and is hosted within the Microsoft Azure Cloud. Access to the solution is managed and controlled through a number of combined security procedures in accordance with the HSE IT Security policies and can only be accessed via authorised user accounts. All data is encrypted at rest with the MS Azure Platform using AES 256 bit encryption.

The data controller for the Covid Tracker solution?

The Health Service Executive (HSE) is the Data Controller for all personal data which is collected by the IT system. A Data Controller is the legal entity which determines how and why personal data is collected and used. The HSE's headquarters is located at Dr Steevens' Hospital, Steevens' Lane, Dublin 8. The HSE operates within the provisions of the General Data Protection Regulation and Data Protection Acts.

I trust this information is of assistance to you.

Yours sincerely,

Niamh O'Beirne

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National Lead Testing and Tracing