

File Reference: SRSA20/00571

17 November 2020

## **RDS2020/15 v1: COVIDSafe Application Records**

### **Re: Destruction of source or original COVIDSafe Application records after completion of contact tracing**

#### **Purpose**

The purpose of this RDS briefing is to seek the State Records Council's approval of a determination made under section 23 of the *State Records Act 1997* (the SR Act) to dispose of records (data) received through the COVIDSafe Application (COVID App).

#### **Background**

As part of its response to the COVID-19 pandemic the Australian Government developed and launched its COVID App. The aim of the application is to support existing contact tracing processes that are in-place in each jurisdiction. To do this the COVID App collects a minimal amount of personal information and uses a smartphones location to identify when an individual may have come into close proximity with someone who subsequently tests positive for COVID-19.

The data collected through the application is stored in a central national data store and the data is a commonwealth record for the purposes of the *Archives Act 1983*. As such it is governed through the policies of the National Archives of Australia. Through the implementation of the COVID App the federal government has stipulated that the data collected will only be retained as long as is necessary of track and tracing purposes and certainly for not longer than the pandemic remains. This approach to data retention has been supported through changes made to the Commonwealth *Privacy Act 1988* (the Privacy Act) and through Orders issued under that Act with State and Territory health authorities.

In managing the track and trace program in South Australia authorised members from SA Health access the COVID App data from the national data store and download it through a secure interface. SA Health then use the COVID App data to contact individuals in South Australia. In undertaking this activity SA Health then creates a new record with the information provided by the individual. This new record is an official record for the purposes of the SR Act as it was created or received through the conduct of business by a SA government agency.

In order to ensure that the data exported from the COVID App is disposed of in line with the Commonwealth Government's intent National Archives and the Commonwealth Department of Health developed a disposal determination that would be applied consistently across each jurisdiction.

Official records that are created by SA Health as part of the track and trace process will be dealt with under SA Health disposal schedules.

## Discussion

To achieve an outcome consistent with Commonwealth legislation, State and Territory archival and records authorities agreed to issue the relevant disposal determinations under their respective archival legislation.

This determination permits the destruction of data received through the COVID App after it has been used or disclosed by:

- persons employed by or in the service of, a State or Territory health authority (SA Health and SAPOL) for the purpose of contact tracing
- officers and employees of, or contracted service providers for the data store administrator where the collection, use or disclosure is for the purpose of, and only to the extent required for the purpose of enabling contact tracing by persons employed by, or in the service of, State or Territory health authorities.

For the purposes of this determination contact tracing has the same meaning as defined in subsection 94D(6) the Privacy Act.

This determination commences on the date approved by the State Records Council and applies to data extracted or downloaded since the release of the COVIDSafe app.

## Disposal Determination

Item	Records description	Disposal action
1	Records collected or generated through the operation of the COVIDSafe app (ie COVIDSafe app data) which is <b>downloaded/extracted</b> to support contact tracing activities.	Destroy as soon as practicable when no longer required for contact tracing purposes, or immediately following the declaration of the end of the COVIDSafe data period, whichever is sooner.

## Application

This determination authorises the destruction of source or original records or copies of either containing COVID App data when no longer required for purposes of contact tracing, or as soon as reasonably practicable after the day determined under subsection 94Y(1) of the Privacy Act.

This has been accepted by States and Territories in the Bilateral Agreements to mean deleting the data within 30 days of being downloaded/extracted except if there is a reasonable requirement for this data to be held for a longer period for the purpose of

contact tracing. If retained for a longer period for the purpose of contact tracing, then the COVID App data should be deleted when no longer required, and not later than as soon as reasonably practicable after the day determined under subsection 94Y(1) of the Privacy Act.

## **RECOMMENDATION**

It is recommended that the State Records Council:

- approves RDS2020/15 v1
- notes that in approving RDS 2020/15 v1 this constitutes a disposal determination by the Director of State Records in accordance with s23(2)(a) of the *State Records Act 1997*.

### **Approved:**



Keith Nicholas

**Chair, State Records Council**



Simon Froude

**Director, State Records**