

BOCC Minutes - Tuesday 19th May

**TO: Business & Operational Continuity Committee
Incident Management Communications Group (for info)**

Please find below a number of items for your attention, including a meeting summary of yesterday's (Tuesday, 19th May) Business & Operational Continuity Committee (BOCC) call.

1. Data protection considerations members are working through as they plan their 'restart':

Walter McCahon (WMC), UKF, briefed members on a range of data protection considerations that need to be factored into members' return-to-work thinking. For members unfamiliar with this policy area, WMC referred members to the ICO statement on the regulatory approach to COVID-19, especially with regards to GDPR.

There are a number of steps that members should undertake to remain compliant with the law as they transition their operations. Whilst members will need to put in place exceptional measures to maintain the safety of their workplaces (such as enhanced monitoring), WMC advised that members should continually review these as staff transition back into the office and evaluate their ongoing proportionality. When collecting data, firms also need to ensure they have legal justification to do so, (consent from the employee is sometimes not enough) as under GDPR, health data is especially highly sensitive and has specific rules attached to it.

With an increasing number of firms now planning on implementing on-site temperature checking, or otherwise requiring staff to take their temperature before they come into the office, members discussed how they were planning to collect information from staff. Some work places are challenging in this respect, as the firms do not control the entire building but must instead work with landlords and other tenants, with information about employees potentially being shared. Some members are also planning on collecting employee information via apps or daily surveys. Members also asked the question of how the personal information of visitors to their building should or could be handled and shared. WMC advised members to be transparent with staff and visitors, set clear parameters around their programmes, be mindful of potential scope creep and personal data limitations, and keep one eye on future accountability (i.e. and potential audits) through having an internal policy in line with legislation.

[ACTION: WMC will share ICO guidance on apps:

The ICO statement on tracing apps is here, in the form of a blog from the Information Commissioner:
<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/04/combating-covid-19-through-data-some-considerations-for-privacy/>

The blog also contains a link to a formal opinion on the Google / Apple tracing app, which could be a useful resource. There are some positive statements, eg about how the app minimises data collection and sharing. Some of the discussion hinges on the app being voluntary, which might not be applicable in the FS employee context. Firms need to be scrupulous if they want to get 'freely given consent' from employees, if it is possible at all. See here:

<https://ico.org.uk/media/about-the-ico/documents/2617653/apple-google-api-opinion-final-april-2020.pdf>

In case of interest, ICO guidance on processing health data in an employment context is here

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/what-are-the-conditions-for-processing/#conditions2>

2. Update on PPE and engagement with CBI and role of industry:

John Thompson (JT), UKF, briefed members on the work-to-date regarding the provision of PPE.

The government's guidance on PPE is not detailed, and UKF is supporting the CBI in its engagement with the Government on PPE across industries. It has distributed a survey to various sectors, including some members, flagging issues and concerns such as the perception of competition with the medical and care sectors (for which the government is considering a central procurement hub for the private and public sector), and what actually needs to be provided to staff and others (minimum standards, and what sectors/activities need them).

JT advised that UKF will organise a specific meeting with members to discuss PPE challenges, including where there are tensions between what the UK government is recommending and group policies from other jurisdictions. Outside of procurement guidance, the meeting will approach the question of disposal (there are a number of views amongst UKF members around disposal of PPE, depending upon whether the PPE is permanent or short-term/disposable), and how support from the financial sector can help with the production of PPE (financial support loans for companies that wish to retool to upscaling/changing to PPE, and purchasing powers). The financial sector's view would also be welcome on smaller scale firms, which are struggling to get their offers accepted against bulk sellers.

[ACTION: During w/c 26/5 there will be a working group of UK Finance Firms to meet on the topic of PPE. Firms are requested to bring the specific topics for the agenda that they would prefer to cover or wish to be referred to the CBI. UKF also encouraged attendance by firms' procurement areas, if possible, in the working group session]

3. WFH and challenges arising from an eventual reopening of schools

UK Finance noted that their influence on the Government and the Treasury is different than their level of influence on the school system. Therefore, the next step is for UK Finance to consolidate and provide a uniform view to the Government Affairs team, giving the perspective of both a "consumer" of the schools – i.e. as parents – as well as key workers who are impacted by whether or not the schools are open.

[ACTION: UKF to address this question through Government Affairs]