

Statutory Document No. 2020/0245



*Emergency Powers Act 1936*

## **EMERGENCY POWERS (CORONAVIRUS) (INFORMATION SHARING) REGULATIONS 2020**

*Laid before Tynwald: 14 April 2020*  
*Approved by Tynwald: 14 April 2020<sup>1</sup>*  
*Coming into Operation: in accordance with regulation 2*

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The Governor in Council, by Order<sup>2</sup>, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

### **1 Title**

These Regulations are the Emergency Powers (Coronavirus) (Information Sharing) Regulations 2020.

### **2 Commencement**

These Regulations come into operation on the day after they are made<sup>3</sup>.

### **3 Interpretation**

(1) In these Regulations —

“**applied GDPR**” has the meaning given in the Data Protection (Application of GDPR) Order 2018;<sup>4</sup>

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the Proclamation of Emergency dated 16 March 2020<sup>5</sup> is in operation;

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<sup>1</sup> But with an amendment to regulation 3(1) – definition of “Department” inserted.

<sup>2</sup> Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations ...”.

<sup>3</sup> By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by Order of the Governor in Council must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

<sup>4</sup> SD 2018/0143

<sup>5</sup> SD 2020/0162

“**data protection legislation**” has the meaning given in regulation 5(1) of the GDPR and LED Implementing Regulations 2018<sup>6</sup> as they have effect from time to time;

[“**Department**” includes a Local Authority;]<sup>7</sup>

“**information**” includes personal data as defined in the applied GDPR; and

“**specified person**” means a person specified in a direction made under regulation 5.

(2) Any grammatical variation of the verb “to process” used in these Regulations must be construed in accordance with the definition of “processing” in the applied GDPR, except that its application is not limited to personal data as defined in the applied GDPR.

## 4 General

These Regulations make provision for information sharing and deal with modifications to the data protection legislation, for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island and in recognition of the potential need —

- (a) for a Department to perform functions ordinarily performed by another Department; and
- (b) for information to be shared as a result of regulations made under the Emergency Powers Act 1936 (in connection with paragraph (a) or otherwise) between any Department or specified person.

## 5 Directions

(1) During the Coronavirus Proclamation period, the Council of Ministers may direct that —

- (a) a Department may share information with another Department or specified person; and
- (b) a Department may require a specified person to disclose information to the Department or another person,

for the purpose of facilitating any regulations made under the Emergency Powers Act 1936 which relate to Coronavirus.

(2) A direction made under paragraph (1)(a) must specify —

- (a) the information which may be disclosed;
- (b) by which Department the information may be disclosed;
- (c) to which Department the information may be disclosed;
- (d) the purpose for which the information may be processed; and

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<sup>6</sup> SD 2018/0145

<sup>7</sup> The text inside the square brackets was inserted by an amendment approved by Tynwald prior to these Regulations being approved by Tynwald to continue in operation as amended.

- (e) the safeguards to be put in place by the Departments by which the information may be disclosed and received.
- (3) A direction made under paragraph (1)(b) must specify —
  - (a) the specified person who may be required by a Department to disclose information;
  - (b) by which Department the specified person may be required to disclose information;
  - (c) to whom the Department referred to in subparagraph (b) may require the specified person to disclose the information (“the recipient”);
  - (d) the information which the specified person may be required to disclose;
  - (e) the purpose for which the information may be processed by the recipient; and
  - (f) the safeguards to be put in place by the specified person and the recipient.
- (4) Without limiting —
  - (a) paragraph (2)(c) or (3)(c), the specification of the Department to which the information may be disclosed must include the specification of the controller or categories of controller; and
  - (b) paragraph (2)(e) or (3)(f), the safeguards may —
    - (i) be intended to prevent abuse, unlawful access, or further disclosure; and
    - (ii) must provide for the return, deletion, destruction, or other recovery of the data from the person with whom it is shared.
- (5) The Council of Ministers may issue guidance about the meanings of any of the terms used in this regulation.
- (6) A person to which a direction made under paragraph (1) applies, must have regard to any guidance issued under paragraph (5).
- (7) A direction made under paragraph (1) expires —
  - (a) on the date specified in the direction; or
  - (b) if a date is not specified in the direction, 7 days after the end of the Coronavirus Proclamation period.

## **6 Lawful processing of information under a direction**

A person who processes information in accordance with a direction made under paragraph 5(1) does not breach or commit an offence under the data protection legislation.

**MADE AT 15.55 ON 9 APRIL 2020**

*Signed by the authority of the Chief Secretary*

**K HEMSLEY**

*Interim Director of Change & Reform*

*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations are made under section 4 of the Emergency Powers Act 1936 and following a proclamation of a state of emergency under section 3 of that Act.

These Regulations are made for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island.

These Regulations makes provision for the Council of Ministers to direct that (a) a Department may share information with another Department or (b) a Department may require a person specified in the direction to disclose information, for the purpose of facilitating any regulations made under the Emergency Powers Act 1936.

A person who shares information in accordance with a direction issued under these Regulations does not breach or commit an offence under the data protection legislation (see regulation 5(1) of the GDPR and LED Implementing Regulations 2018).