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Mr. Wojciech Wiewiórowski,
European Data Protection Supervisor

AVOCATUL POPORULUI
REGISTRATURĂ GENERALĂ
IEȘIRE Nr. ...9433.../22.MAI.2020

Dear Mr. Wiewiórowski,

I would like to bring to your attention a situation in Romania, and I would greatly appreciate it, if I would receive your point of view regarding the matters set out in this letter.

On May 18, 2020, by Government Decision no. 394/2020, the state of alert was established on the entire territory of Romania, for a period of 30 days. According to the provisions of Art. 9 point 3 of Annex no. 3 – The measures of 18 May 2020 to reduce the impact of this type of risk – to the above-mentioned Decision, **establish the obligation of public institutions and authorities, economic operators and professionals to organize their activity, so as to ensure, upon entry into their premises, mandatory epidemiological triage and compulsory disinfection of hands, both for their own staff and for visitors, under the conditions established by the joint order of the Minister of Health and the Minister of Internal Affairs.**

Also, in accordance with the provisions of Art. 13, point (b) of Law no. 55/2020 on certain measures to prevent and combat the effects of the COVID-19 pandemic, (...) **for their own staff, the epidemiological triage consists in measuring the temperature by non-contact thermometer, and for visitors the triage is performed by measuring the temperature.**

At the same time, considering the provisions of Art. 2 point (d) of the Joint Order of the Minister of Labor and Social Protection and the Minister of Health no. 3577/831/2020, during the state of alert, in order to prevent the spread of COVID-19, **all employees in the public and private sector have the obligation to accept the verification of body temperature, upon entry into the premises at the beginning of the work day, and whenever they re-enter the premises.**

In this context, according to the legislation in force, for all employees in the public and private sector there is an obligation to accept the body temperature check,

the same conduct being applicable to consumers/visitors, who are obliged to comply with the above conditions.

Thus, it would be useful to know your point of view, from the perspective of non-compliance with the rights of consumers, who in order to have access, for example, in a store to buy food, are required to accept the body temperature check, an act performed by a person without medical qualification, without respecting data protection because when entering a store the physical distance is not always respected, and those around you hear the conversation between the one who measures the temperature – most often the security guard – and the person whose temperature is measured. Regarding the aforementioned, there are numerous posts on social media.

Thank you.

With my best regards,

Ombudsperson,

Renate Weber

Bucharest, May 19, 2020