

Coronavirus pandemic in the EU – Fundamental Rights Implications

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency, including enforcement actions

In **Slovenia**, the period following the Covid-19 outbreak saw the adoption of various measures to contain the spread of the infection and to enforce social distancing, as well as legislative packages aimed to ease the pressure on the economy and groups of population. While some of the former measures interfered with fundamental rights, state of emergency in the sense of Article 16 of the Constitution allowing for temporary suspension and restriction of human rights has not been declared. According to Article 92 of the Constitution of the Republic of Slovenia a state of emergency can only be declared in the case of a great and general danger that threatens the existence of the state, which was clearly not the case in the coronavirus pandemic. However, some fundamental rights like the freedom of movement (Article 32 of the Constitution) and the right of assembly and association (Article 42 of the Constitution) can be limited in the circumstances strictly stipulated by law, including in the case of preventing the spread of infectious diseases.¹ On 12 March 2020, because of the increasing number of Covid-19 cases, Slovenia declared the Covid-19 epidemic on the basis of the Communicable Diseases Act (*Zakon o nalezljivih boleznih*).² This legislation has been the legal basis for introducing measures restricting social interactions in the country in the subsequent period.

1.2 Measures affecting the general population

1.2.1 Social distancing

In **Slovenia**, since midnight, 20 March, movement and assembly of people in public places and public surfaces, and access to such places have been prohibited.³ Stricter measures were introduced on 30 March when movement of residents beyond municipality borders was also banned.⁴ On 30 April, the latter measure was lifted and a new regime of restrictions is in place. Pursuant to the new regulation, movement, accessing and staying in public places, subject to maintaining a safe distance to other persons, are only allowed for an individual person in specified situations (e.g. going to work; performing economic, agricultural and forestry activities; preventing imminent threat to health, life and property; providing care and assistance to persons needing support, accessing services for persons with disabilities; accessing diplomatic missions and consular posts, emergency services, cemeteries, religious sites; accessing food shops, marketplaces for direct sale of agricultural products, places for sale of medicinal products and medical devices and sanitary devices; accessing banks and post offices; access to pharmacies, health and sanitation services, agricultural stores,

¹ Slovenia, [The Constitution of the Republic of Slovenia](#) (*Ustava Republike Slovenije*), 23 December 1991, and subsequent modifications. All hyperlinks were accessed on 11 May 2020.

² Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications; Slovenia, [The Decree on the declaration of the contagious disease SARS-Cov-2 \(COVID-19\) epidemic in the territory of the Republic of Slovenia](#) (*Odredba o razglasitvi epidemije nalezljive bolezni SARS-CoV-2 (COVID-19) na območju Republike Slovenije*), 12 March 2020.

³ Slovenia, [The Ordinance on the temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji*), 19 March 2020.

⁴ Slovenia, [The Ordinance on a temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia and prohibition of movement outside the municipalities](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji ter prepovedi gibanja izven občin*), 29 March 2020.

slaughterhouses, seed, feeding stuffs and fertilizer stores; accessing public parks and other walking areas). For the same reasons, and subject to safe distance, access is allowed for groups of immediate family members, of persons in shared households, and groups of up to five co-workers who share personal means of transportation for commuting to work or to perform tasks in the ranks of Civil Protection (*Civilna zaščita*).⁵

According to the new **Slovenian** regulation, if the government imposes or lifts a temporary prohibition on the offering and sale of goods and services directly to consumers for individual goods or services, access to these goods and services shall be deemed to be permitted or prohibited. An individual person may, while maintaining a safe distance to other persons, carry out outdoor sports and recreational activities of an individual character (e.g. running, cycling, golf, yoga) in public spaces. Sports and recreational activities where contacts between persons during the normal course of the exercise is not possible (e.g. tennis, badminton, boules) are also permitted. Access to services in closed public spaces is conditioned by the use of protective face masks or other forms of protection covering the oral and nasal areas (e.g. scarves) and by hand disinfection, whereby the disinfectant shall be provided by the service provider. Every seven days, the government checks the justification of the determined measures, and by taking into account expert evidence, decides on whether the devised measures are to be continued, changed or abolished.⁶

The **Slovenian** Constitutional Court received a request for the assessment of constitutionality of the government ordinance which, beyond movement and assembly of people in public places and public surfaces, also banned the movement of residents outside the municipalities.⁷ While noting that the ordinance was to be repealed, the court accepted the petition to initiate the review procedure as it, in the court's opinion, raises fundamental and important constitutional law questions. In addition, the court suspended, until final decision, the implementation of the regulation stipulating that the prohibition should be in force until the reasons for it cease to exist, as determined by the government with an order. It found that the encroachments on human rights and fundamental freedoms laid down in the ordinance are of a more lasting nature because they are not time-bound. According to the court, such regulation is not necessary to achieve the purpose pursued by the ordinance. It established that the same objectives could be achieved by stipulating that the government periodically reviewed the proportionality of measures and extended them only if, in the light of the circumstances and opinion of experts, they found that they were still necessary to achieve the objectives pursued. This would reduce the possibility of disproportionate encroachments on human rights and fundamental freedoms, while the health and life of people would not be jeopardised by the spread of the epidemic. The court hence ordered that without delay, after being served the order, and then at least every seven days, the government assessed whether the measures introduced were still necessary to achieve the objectives pursued. Based on

⁵ Slovenia, [The Ordinance on a temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji*), 29 April 2020.

⁶ Slovenia, [The Ordinance on a temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji*), 29 April 2020.

⁷ Slovenia, [The Ordinance on a temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia and prohibition of movement outside the municipalities](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji ter prepovedi gibanja izven občin*), 29 March 2020.

expert opinion, it shall then decide on whether to continue with the measures, modify or lift them, and shall inform the public about this.⁸

In **Slovenia**, as of 16 March, to prevent social interaction, hence curbing the spread of Covid-19, the offering and sale of goods and services directly to consumers has also been banned, which, at the time, effectively closed down a wide variety of operators (e.g. accommodation services, catering services, wellness services, sports and recreational services, cinematographic services, cultural services and hairdressing services). In the second half of April, the government started easing lockdown. From 20 April, for example, the ban does not apply to stores selling construction and installation materials, technical goods or furniture, cars and bicycles, dry-cleaners, and to motor vehicles and bicycles repair shops respectively, and from 25 April to insurance services and car washes. Libraries, museums and galleries have been exempt from the ban from 29 April. From 4 May, the exception shall further apply to e.g. watchmakers, goldsmiths, stores up to 400 m² in size (not including shops in shopping centres), hairdressing and beauty salons, pet care salons, as well as outdoor catering services.⁹

In **Slovenia**, pursuant to the Communicable Diseases Act, upon the proposal of the National Institute of Public Health (*Nacionalni inštitut za javno zdravje*), the Ministry of Health (*Ministrstvo za zdravje*) issues decisions on quarantine, restricting the movement of persons concerned. The act also lays down the measure of isolation, whereby the doctor treating an individual, local healthcare institution or the National Institute of Public Health restrict the movement of an individual to prevent transmission of an infection.¹⁰

The **Slovenian** Health Inspectorate (*Zdravstveni inšpektorat*) supervises the implementation of and imposes penalties for violations of all provisions mentioned in this section. Within their rights and obligations, the police participates in the implementation of the listed measures, namely it assists the inspectorate in enforcing them. The media reported that the data produced by the Ministry of Health showed that about 3,750 decisions on quarantine were issued since the declaration of the epidemic until 24 April, and that about 1,800 were valid on that day.¹¹ According to the Health Inspectorate, until 30 April, there were 7 reports on the alleged violation of the measure of quarantine, but no violation of the measure was established. Until the same date, the inspectorate received 6 reports on the alleged breach of the measure of isolation, and found that there were four violations of the measure in question.¹²

The **Slovenian** parliament passed amendments to the Communicable Diseases Act on 2 April and increased fines for violations of measures listed in this section. The fines range from 400 to 4,000

⁸ Slovenia, Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*), [Order No. U-I-83/20](#), 16 April 2020.

⁹ Slovenia, [The Ordinance on the temporary prohibition of the offering and sale of goods and services to consumers in the Republic of Slovenia](#) (*Odluk o začasni prepovedi ponujanja in prodajanja blaga in storitev potrošnikom v Republiki Sloveniji*), 15 March 2020, and subsequent modifications.

¹⁰ Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications.

¹¹ Božič, K. (2020) 'Policija je podala v 19 dneh več predlogov za karanteno, kot jih je ministrstvo odredilo od razglasitve epidemije v 42 dneh', *Večer*, 29 April 2020.

¹² Information was provided by the Health Inspectorate (*Zdravstveni inšpektorat*) upon request (email, 7 May 2020).

EUR, the heaviest fine being slightly less than 10 times higher in comparison to the heaviest penalty in the repealed act.¹³

Since 20 March, after the first regulation banning movement and assembly of people in public places and public surfaces, and access to such places entered into force, until 30 April, the Health Inspectorate received 4,392 reports on the alleged violation of this ban. The inspectorate found violation in 693 cases. It issued 37 decisions on minor offence with reprimand, 322 decisions on minor offence with a fine, 195 penalty notices, while accusations were filed in the court against underage persons in 139 cases. The fines imposed amounted to 56.051,79 EUR.¹⁴ Some alleged violation are still in inspection process.

1.2.2 Education

In **Slovenia**, the school lockdown has still been in place by the end of April. As of 16 March 2020, education institutions at all levels, including student dormitories, has been almost completely closed. The exceptions include education institution set up for work with children with emotional and behavioural issues, and dormitories in the case of secondary school students, including foreign students, who are prevented to return to the place of their permanent residence because of the current security situation, unaccompanied children with international protection or those seeking asylum, university students with permanent residence in student dormitories, student families, and foreign university students and visiting professors who cannot return to places of their permanent residence because of the existing security situation.¹⁵

After the closure of schools in **Slovenia**, distance education has been introduced via online tools. At the end of April, the Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) produced a report on the implementation of measures in the field of education during the Covid-19 epidemic.¹⁶ According to the ministry, apart from, among other things, providing appropriate tools for technical support to teachers in the delivery of distance education, the key objectives included the prevention of the occurrence major differences between students in the acquisition of knowledge and special care for vulnerable groups. For this purpose, the ministry initiated the project "DIGI School" (*DIGI šola*) and collected more than 1,300 computers and 950 modems for children in need of these devices. The National Education Institute of the Republic of Slovenia (*Zavod Republike Slovenije za šolstvo*) issued on 25 March instructions for principals of elementary schools on the implementation of distance education in emergency situations.¹⁷ It, among other things, recommended that schools focused on ensuring the inclusion of all pupils in the distance education process, with a focus on vulnerable groups of pupils, including immigrant pupils, and pupils with learning difficulties. It further recommended that schools provided distance counselling services for pupils and students in families in extreme distress, and additional learning

¹³ Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications.

¹⁴ Information was provided by the Health Inspectorate (*Zdravstveni inšpektorat*) upon request (email, 7 May 2020).

¹⁵ Slovenia, [The Ordinance on the temporary prohibition of gatherings in education institution, universities and independent higher education institutions](#) (*Odlok o začasni prepovedi zbiranja ljudi v zavodih s področja vzgoje in izobraževanja ter univerzah in samostojnih visokošolskih zavodih*), 15 March 2020, and subsequent modifications.

¹⁶ Ministrstvo za izobraževanje, znanost in šport (2020), [Poročilo o izvedbi ukrepov na področju vzgoje in izobraževanja v času epidemije Covid-19](#), Ljubljana, Ministrstvo za izobraževanje, znanost in šport.

¹⁷ For more information, see the webpage of the National Education Institute of the Republic of Slovenia (*Zavod Republike Slovenije za šolstvo*) on www.zrss.si/ucilna-zidana/izobrazevanje-na-daljavo.

assistance to children with learning difficulties. The Centre for School and Outdoor Education (*Center šolskih in obšolskih dejavnosti*) which carries out the project “Together for knowledge” (*Skupaj za znanje*) aimed at inclusion of Roma children in education, and employs 26 Roma assistants, focused on providing assistance to Roma children and their parents, as well as assistance to primary schools staff in organising distance education for the Roma children.¹⁸ In various parts of Slovenia, schools regularly provided teaching materials to Roma children via regular mail. Some Roma children also received computers or tablets. In certain parts of the country, NGOs also actively provided support to Roma children (e.g. printing teaching materials for Roma children, providing Roma children with teaching materials adapted to their needs).¹⁹

An organisation of the **Slovenian** Roma, the Union for the Development of Roma Minority – Resurgence (*Zveza za razvoj romske manjšine – Preporod*) organised in cooperation with the Forum of Roma Councillors (*Forum romskih svetnikov*) two online coordination meetings in the month of April, the second tackling the issue of Roma education during epidemic. According to the attendees, major issues with distance education occur in SE Slovenia. The principles found the guidelines for the education of the Roma unusable because of the specific situation.²⁰ There is poor responsiveness of children in the Roma settlements and the situation is solved by sending materials via regular post. They further noted that Roma children needed substantive contact with the teacher, just exchanging tasks was not enough, and that Roma assistants are particularly overburdened in distance schooling. The attendees also agreed that one of the key obstacles was the poor infrastructure faced by Roma children and the poor computer literacy of both children and their parents. According to estimates, a third of the children work and participate in the learning process, a third have difficult circumstances for smooth work, and the last third have no opportunities to participate and are consequently completely unresponsive.²¹

1.2.3 Work

The National Assembly in **Slovenia** adopted on 2 April, and modified on 28 April, the Intervention Measures to Contain COVID-19 Epidemic and to Mitigate its Consequences for Citizens and Economy Act (*Zakon o interventnih ukrepih za zaježitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*). The comprehensive bill (so-called anti-corona law) is aimed at assisting the population and the economy. Among other things, it provides for a basic monthly income for affected self-employed, farmers and employees with registered churches and other religious communities in the amount of 350 EUR in March, and 700 EUR in April and May, respectively. Their social contributions due in April and May should be covered from the state budget. Temporarily laid off workers with affected employers should be entitled to wage compensation in the amount of 80 % of their average monthly wage for full-time work during the past three months, but not less than the national minimum wage and not more than the average national wage. Workers who are not at work due to force majeure, including workers who care for their children after the schools were shut down, and are thus absent from work, should be equalised with temporary laid off workers as regards wage compensation (i.e. receiving 80 % of their average monthly wage for full-time work

¹⁸ Ministrstvo za izobraževanje, znanost in šport (2020), [Poročilo o izvedbi ukrepov na področju vzgoje in izobraževanja v času epidemije Covid-19](#), Ljubljana, Ministrstvo za izobraževanje, znanost in šport.

¹⁹ Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 6 May 2020).

²⁰ Zavod Republike Slovenije za šolstvo (2020), [Izvajanje izobraževanja na daljavo v izrednih razmerah – Strokovna navodila za ravnateljice in ravnatelje osnovnih šol](#), Ljubljana, Zavod Republike Slovenije za šolstvo.

²¹ Zveza za razvoj romske manjšine – Preporod (2020), [‘2. koordinacijski sestanek’](#), public release, 28 April 2020.

during the past three months, instead of 50 %, while this amount should be at least the national minimum wage, but no more than the average wage in the country. Wage compensations and social contributions for these workers should be covered from the state budget. Private sector employers which operate normally should be exempt from pension and disability contributions due in April in May, but should pay their workers a crisis allowance in the amount of 200 EUR. These measures should also apply to civil society organisations, humanitarian organisations and organisations of persons with disabilities. All sickness benefits, in the period from 11 April to 31 May should be fully covered from the first day of a worker's absence by the Health Insurance Institute of Slovenia (*Zavod za zdravstveno zavarovanje Slovenije*). Workers who have lost their jobs since 13 March, and who are not eligible for unemployment benefits, are entitled to temporary allowances in the amount of 513.64 EUR. The act has a retroactive effect and its provisions are applicable from 13 March, the day following the day of declaration of the epidemic, until the end of May. If the end of the epidemic is not declared by 15 May, the envisaged measures are extended for 30 days.²²

The **Slovenian** government started easing lockdown on the provision of goods and services towards the end of April. To assist businesses and other operators in starting their activities safely, the National Institute of Public Health produced guidelines and instructions for the introduction of hygiene measures in a variety of areas (e.g. special regular services, catering operators, food stores, tech stores, sport and recreational facilities, hairdressing and beauty salons, bookstores, libraries, museums, galleries, repair shops, watchmakers and goldsmiths).²³

In **Slovenia**, towards the end of March, the Labour Inspectorate carried out stricter supervision over measures implemented by employers to provide for safety and health of workers during epidemic, as well as ensuring their legal rights on the job. The inspectorate found that employers introduced various temporary measures to avoid the spread of infection, such as shifting from three- to two-shift schedule, teleworking, reducing production volume and temporary redistribution of working time. The employers mostly informed workers about safety measures, but recommended measures of physical distancing were not consistently implemented, including for a lack of internal controls. The inspectorate received the most complaints in relation to protective face masks, and found that these were not provided to workers in all cases, the employers claiming that they were not in position to procure them. In some cases, however, employers immediately provided them after inspectors' warnings. In some cases, the workers refused to wear them citing obstruction. Inspectors also found that workers mostly had warm water, soap and disinfectants available in indoor workplaces, with some employers also disinfecting workplaces several times a day and airing them. However, employers under supervision did not, as a rule, provided outdoor workers with hand disinfectants. The inspectors also found that almost none of the employers consulted occupational medicine specialists as regards the implementation of measures.²⁴ According to the media, the inspectorate reported that from 12 March, the day of the declaration of the epidemic, until 24 April

²² Slovenia, [The Intervention measures to contain COVID-19 epidemic and to mitigate its consequences for citizens and economy act](#) (*Zakona o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 2 April 2020, and subsequent modifications.

²³ For more information, see the webpage of the National Institute of Public Health on www.nijz.si/sl/sproscanje-ukrepov-covid-19.

²⁴ Slovenia, Labour Inspectorate of the Republic of Slovenia (*Inšpektorat Republike Slovenije za delo*) (2020), 'Inšpektorat ugotavlja pomanjkljivo izvajanje ukrepov za zaščito zdravja delavcev', public release, 25 March 2020.

it registered 1,133 complaints of alleged irregularities. The inspectors found 151 violations, mostly in relation to safety and health at work.²⁵

The Labour Inspectorate in **Slovenia** also reported that the body was informed about alleged irregularities related to the termination of employment of foreigners who were unable to come to work for otherwise justifiable reasons, namely they were subject to quarantine, or went to a third country of their permanent residence and could not return to Slovenia). In some cases, employers allegedly terminated foreign workers' contracts of because of unjustified absence from work, deregistered them from social insurance and served the dismissal via notice boards on their premises. The Labour Inspectorate pointed that the latter is only permissible if the worker had neither permanent nor temporary residence in Slovenia, or if the worker is not known at the address from the employment contract or at the address which they communicated to the employer in writing. Violation of the above is defined as a minor offence, while the worker may lodge a complaint with the Labour court (*delovno sodišče*).²⁶

1.2.4 Access to justice

Based on the Courts Act (*Zakon o sodiščih*),²⁷ and the Temporary Measures Relating to Judicial, Administrative and Public Law Matters for the Containment of the Spread of the Communicable Disease SARS-CoV-2 (COVID-19) Act (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*),²⁸ adopted in March, the President of the Supreme Court (*Vrhovno sodišče*) issued at the end of March a new order governing the work of **Slovenian** courts during Covid-19 epidemic. This order was further amended on 8 April and has been in application from 10 April. Apart from non-essential judicial proceedings, hearings are stopped in the following matters deemed essential under the Courts Act: procedures for interim decisions requiring personal contacts by enforcement agents, parties and other persons in these proceedings, whereby the execution of actions is not essential for averting the danger to life and health of people or to property of greater value; protests of bills or cheques and actions on bills of exchange; inventory of a deceased's property; matters relating to compulsory settlement and bankruptcy; cases of confiscation of property of illegal origin under the Confiscation of Assets of Illicit Origin Act (*Zakon o odvzemu premoženja nezakonitega izvora*); administrative disputes under respectively the Information Commissioner Act (*Zakon o informacijskem pooblaščenju*), the Health Care and Health Insurance Act (*Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju*), the Agricultural Land Act (*Zakon o kmetijskih zemljiščih*) and the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad (*Zakon o odnosih Republike Slovenije s Slovenci zunaj njenih meja*). Among other things, hearings and sessions, if possible, shall be held via videoconference. Except in essential matters, parties, their representatives and other persons shall not be allowed to enter court premises.²⁹

²⁵ STA, U.Z. (2020), '[Inšpektorat za delo v času epidemije nima časa za počitek](#)', *24ur.com*, 27 April 2020.

²⁶ Slovenia, Labour Inspectorate of the Republic of Slovenia (*Inšpektorat Republike Slovenije za delo*) (2020), '[Vročitev odpovedi pogodbe o zaposlitvi na oglasnem mestu le izjemoma](#)', public release, 13 April 2020.

²⁷ Slovenia, The Courts Act, (*Zakon o sodiščih*), 24 March 1994, and subsequent modifications.

²⁸ Slovenia, [The Temporary measures relating to judicial, administrative and public law matters for the containment of the spread of the communicable disease SARS-CoV-2 \(COVID-19\) act](#) (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*), 20 March 2020, and subsequent modifications.

²⁹ Slovenia, [The Order on special measures due to the occurrence of the conditions referred to in the first paragraph of Article 83.a of the Courts act and reasons from Article 1 of the ZZUSUDJZ](#) (*Odredba o posebnih ukrepih zaradi nastanka pogojev iz prvega odstavka 83.a člena Zakona o sodiščih in razlogov iz 1. člena ZZUSUDJZ*), 30 March 2020, and subsequent modifications.

The **Slovenian** National Assembly adopted on 28 April, applicable from 1 May, amendments to the Temporary Measures Relating to Judicial, Administrative and Public Law Matters for the Containment of the Spread of the Communicable Disease SARS-CoV-2 (COVID-19) Act (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*). Pursuant to the amended act, the courts shall also hold hearings, make decision and issue judicial documents in non-essential matters, provided that the courts can ensure that these actions are carried out in accordance with conditions set out by the President of the Supreme Court, and in the manner that the spread of the virus is prevented and the health and life of people is guaranteed.³⁰

In **Slovenia**, provisions of the Temporary Measures Relating to Judicial, Administrative and Public Law Matters for the Containment of the Spread of the Communicable Disease SARS-CoV-2 (COVID-19) Act (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*) adopted in March and related to the enforcement of criminal sanctions still apply. According to the act, summons to prison shall be halted and new procedures shall not be initiated. For preventing the spread of the disease, the law allows for transfer of inmates to other correctional facilities, suspension of imprisonment for up to one month, with the possibility of extension. In cases where no security concerns exist; and, under certain condition, an early release of prisoners six months before completion of the penalty is possible.³¹

The **Slovenian** parliament adopted on 28 April amendments to the Intervention Measures to Contain COVID-19 Epidemic and to Mitigate its Consequences for Citizens and Economy Act (*Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), a law adopted in early April. The amended act, among other things, includes provisions aimed at boosting the issuance of building permits issued under the Building Act (*Gradbeni zakon*).³² According to the government, the overall objective of these provisions is to increase the building of infrastructure and objects, hence boosting the construction and related sectors in the time of crises and preserving jobs.³³ The amended act also regulates the involvement of NGOs with the authorised status of organisations in the public interest in the field of environment protection in the building permits issuance procedures, whereby the environmental impact of intended projects is also assessed in the Republic of Slovenia. The amended act introduces the new threshold for their involvement in these proceedings. Based on their legal status, these organisations shall fulfil the relevant conditions for the year when the relevant procedures commence as well as for the preceding two years. Associations (*društva*) shall have 50 active members, that is – individuals who paid membership fees in the mentioned period. Institutes (*zavodi*) shall have at least three full-time staff achieving level 7 of the Slovenian qualification framework (*Slovensko ogrodje*

³⁰ Slovenia, [The Temporary measures relating to judicial, administrative and public law matters for the containment of the spread of the communicable disease SARS-CoV-2 \(COVID-19\) act](#) (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*), 20 March 2020, and subsequent modifications.

³¹ Slovenia, [The Temporary measures relating to judicial, administrative and public law matters for the containment of the spread of the communicable disease SARS-CoV-2 \(COVID-19\) act](#) (*Zakon o začasnih ukrepih v zvezi s sodnimi, upravnimi in drugimi javnopravnimi zadevami za obvladovanje širjenja nalezljive bolezni SARS-CoV-2 (COVID-19)*), 20 March 2020, and subsequent modifications.

³² Slovenia, The Building act (*Gradbeni zakon*), 24 October 2017, and subsequent modifications.

³³ Slovenia, The Draft Act amending Intervention measures to contain COVID-19 epidemic and to mitigate its consequences for citizens and economy act (*Predlog Zakona o spremembah in dopolnitvah Zakona o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 23 April 2020.

kvalifikacij) in the field in which the organisation is active.³⁴ Foundations (*ustanove*) shall have at least 10,000 EUR in assets every year in the period in question.³⁵

Following the submission of the draft law with these same provisions to the National Assembly for consideration, more than 50 **Slovenian** NGOs issued a joint statement opposing the amendments. They stated that the mentioned threshold was set too high for practically all Slovenian NGOs with the authorised status of organisations in the public interest in the field of environment protection. They pointed to the retroactive effect of the amendments, namely to the fact that at this point in time the NGOs needed to fulfil the set conditions including in the two preceding years when these conditions were not in place and they could not be aware of them. This means that NGOs and the public shall be for two years excluded from the procedures and assessments of environmental impact of construction projects. According to the NGOs, the amendments are in conflict with the Aarhus Convention and the Slovenian constitution.³⁶

1.2.5 Freedom of movement

In **Slovenia**, with the Ordinance on the prohibition of the provision of air services in the Republic of Slovenia (*Odlok o prepovedi opravljanja zračnih prevozov v Republiki Sloveniji*), the authorities banned international air traffic in the country starting from 17 March.³⁷ In the subsequent period, the government adopted several regulations of this type. The last such a regulation was adopted on 23 April, applicable from 28 April and lasting until 11 May. Exceptions from the ban include aircraft carrying out scheduled and charter air transport of cargo and/or post, the state aircraft and aircrafts performing special operations from Article 4 of the Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012, and the individual flights by state aircrafts for humanitarian or medical purposes.³⁸

In the territory of **Slovenia**, all public passenger bus and railway transport, including from abroad has been suspended from 16 March. Taxi transportation is allowed if the driver prior to the entry of a new passenger arranges for proper disinfection of the parts of the vehicle that are in regular physical contact with the passenger. With the 17 April amendment, applicable from 20 April, special regular domestic bus services are permitted provided that the organiser and the operator provide adequate protective equipment for the drivers, ensure adequate disinfection of the parts of the vehicle in line with recommendations produced by the National Institute of Public Health. Pursuant to the changed regulation, the passenger shall wear a face mask during the journey and may occupy up to one-third

³⁴ For more information, see the webpage on Slovenian qualification framework set up by the Institute of the Republic of Slovenia for Vocational Education and Training (*Center Republike Slovenije za poklicno izobraževanje*) on www.nok.si/en.

³⁵ Slovenia, [The Intervention measures to contain COVID-19 epidemic and to mitigate its consequences for citizens and economy act](#) (*Zakona o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 2 April 2020, and subsequent modifications.

³⁶ EKO KROG – društvo za naravovarstvo in okoljevarstvo, Pravno-informacijski center nevladnih organizacij – PIC, Ekologi brez meja et al. (2020), '[Izjava nevladnih organizacij glede 42. člena novega proti-koronskega zakona](#)', public release, 23 April 2020.

³⁷ Slovenia, [The Ordinance on the prohibition of the provision of air services in the Republic of Slovenia](#) (*Odlok o prepovedi opravljanja zračnih prevozov v Republiki Sloveniji*), 16 March 2020.

³⁸ Slovenia, [The Ordinance on the prohibition of the provision of air services in the Republic of Slovenia](#) (*Odlok o prepovedi opravljanja zračnih prevozov v Republiki Sloveniji*), 23 April 2020.

of the registered seats. The regulation shall be in force until the reasons for it cease to exist, as determined by the government with an order.³⁹

Since March, special arrangements have also been in place at **Slovenian** borders. On 12 April, the current regime adopted by the government entered into force. According to this regulation, six road control points at the border with Italy are open, of which two for daily migrant workers and other persons having certificates issued by local communities justifying the necessity of crossing the border because of the essential need to carry out economic or agricultural cross-border activities. Thirteen checkpoints are open at the border with Austria, and five at the border with Hungary. In the latter case, two checkpoints are only open to daily migrant workers daily, owners of property on both sides of the borders and tenants, provided that they respectively produce a certificate issued by the employer, extract from the land register or a lease contract.⁴⁰

Persons entering **Slovenia** shall be subject to seven-day quarantine. On the last day, these individuals shall be tested. If the test is negative, the quarantine shall be terminated, if positive, the persons concerned shall be treated according to guidelines for treatment of persons who contracted Covid-19 and the Rules on the reporting of communicable diseases and specific measures for their prevention and control.⁴¹ If an individual declines the testing or the swab cannot be taken, the quarantine shall be extended for another seven-day period, and shall be terminated after the expiry of this period. A foreign citizen who will perform work in the Republic of Slovenia shall be subject to quarantine at the address specified in the certificate produced by the employer. The latter shall provide for the appropriate quarantine conditions set out in the quarantine decision, as well as for the nutrition and protection during the quarantine. Slovenian citizens and permanent residents crossing the border and declaring that they are positive for Covid-19, or showing symptoms of the infection, shall be instructed by the police to immediately contact their selected personal doctor or emergency medical service. Foreigners with the above characteristics, and who are not permanent residents in the country, shall be denied entry. Entry of persons deemed to be unable to leave the country because of measures introduced in the neighbouring countries shall be denied entry as well.⁴²

In **Slovenia**, this arrangement shall not apply to the following persons: cross-border daily migrant workers producing evidence of employment in the neighbouring country, or having a signed statement that they cross the border as daily migrant workers; weekly migrant workers crossing the border with Austria and possessing evidence of employment in Austria or Slovenia; persons who attend the funeral of a close relative in a neighbouring country, and leave or return to the Republic

³⁹ Slovenia, [Ordinance on the temporary prohibition of and restrictions on public transport of passengers in the Republic of Slovenia](#) (*Odlok o začasni prepovedi in omejitvah javnega prevoza potnikov v Republiki Sloveniji*), 14 March 2020, and subsequent modifications.

⁴⁰ Slovenia, [The Ordinance on imposing and implementing measures related to the prevention of the spread of epidemic COVID-19 at the border crossing points at the external border and checkpoints within the national borders of the Republic of Slovenia](#) (*Odlok o odrejanju in izvajanju ukrepov, povezanih s preprečevanjem širjenja COVID-19, na mejnih prehodih na zunanji meji in na kontrolnih točkah na notranjih mejah Republike Slovenije*), 11 April 2020.

⁴¹ Slovenia, [The Rules on the reporting of communicable diseases and specific measures for their prevention and control](#) (*Pravilnik o prijavi nalezljivih bolezni in posebnih ukrepih za njihovo preprečevanje in obvladovanje*), 17 February 1999, and subsequent modifications.

⁴² Slovenia, [The Ordinance on imposing and implementing measures related to the prevention of the spread of epidemic COVID-19 at the border crossing points at the external border and checkpoints within the national borders of the Republic of Slovenia](#) (*Odlok o odrejanju in izvajanju ukrepov, povezanih s preprečevanjem širjenja COVID-19, na mejnih prehodih na zunanji meji in na kontrolnih točkah na notranjih mejah Republike Slovenije*), 11 April 2020.

of Slovenia on the same day, provided that they produce evidence of the date and time of the funeral; persons performing transportation of goods to or from the country, and for transit freight transport; Slovenian citizens and foreigners travelling across the country within the same day; persons holding diplomatic passports; persons providing essential services for which a certificate has been issued by the competent ministry, of which the lack of provision could result in major social or economic damage; members of the protection and rescue services, health services, police, firefighters, persons performing humanitarian transports on behalf of the Republic of Slovenia who crossed the border for the reason of carrying out their duties; citizens of Italy, Hungary, Slovenia or Austria who are owners or tenants of land on both sides of the state border, and who perform agricultural work. It shall be in place until the reasons for it cease to exist, as determined by the government with an order.⁴³

Since 31 March, the entry of third-country nationals to **Slovenia** has been restricted. Based on the Communication from the Commission on COVID-19 Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy, apart from other entry conditions, it shall also be checked whether their travel is essential. Under this condition, third-country nationals having essential function or need shall be allowed entry. These include: health-care professionals, health researchers and elderly care professionals; those performing cross-border activities; seasonal workers in agriculture; transport personnel; diplomats, staff of international organisations, military personnel and humanitarian aid workers, civil protection staff in the exercise of their functions; passengers in transit (including passengers repatriated with the help of consular office); passengers travelling for imperative family reasons; persons in need of international protection or for other reasons related to the non-refoulement principle.⁴⁴

1.3 Impact of measures on particular groups

Roma community in **Slovenia** is regarded as one of the groups most at risk of social exclusion.⁴⁵ An organisation of the Slovenian Roma, the Union for the Development of Roma Minority – Resurgence (*Zveza za razvoj romske manjšine – Preporod*) organised in cooperation with the Forum of Roma Councillors (*Forum romskih svetnikov*) two online coordination meetings in the month of April to discuss conditions in Roma settlements during the course of the Covid-19 crisis. At the 10 April meeting, it was established that no infections were recorded in the Roma settlements at the time. According to the attendees, the Covid-19 outbreak in these settlements could have severe consequences, as their residents face poor infrastructure. The major issue is the access to drinking water, the temporary solutions currently mostly involving water tanks.⁴⁶ The second meeting

⁴³ Slovenia, [The Ordinance on imposing and implementing measures related to the prevention of the spread of epidemic COVID-19 at the border crossing points at the external border and checkpoints within the national borders of the Republic of Slovenia](#) (*Odlok o odrejanju in izvajanju ukrepov, povezanih s preprečevanjem širjenja COVID-19, na mejnih prehodih na zunanji meji in na kontrolnih točkah na notranjih mejah Republike Slovenije*), 11 April 2020.

⁴⁴ For more information, see the police webpage on www.policija.si/eng/newsroom/news-archive/103455-temporary-restriction-on-non-essential-travel-to-the-eu-means-third-country-nationals-can-enter-slovenia-only-in-urgent-cases.

⁴⁵ Vlada Republike Slovenije (2017), [Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021](#), Ljubljana, Vlada Republike Slovenije.

⁴⁶ Zveza za razvoj romske manjšine – Preporod (2020), '[Aktualne razmere v romskih naseljih v času Koronavirusa](#)', public release, 10 April 2020.

discussed the Roma education in the time of the epidemic (please see the preceding section on education).

The **Slovenian** Human Rights Ombudsman warned on the occasion of the International Roma Day that Individuals and Roma families in the SE Slovenia lacked access to drinking water and could hardly be expected to follow the hygiene recommendations to curb the epidemic. They called on the national and local authorities to take action and to ensure access to water for all residents. The Ombudsman also drew attention to the situation of Roma children living in homes without electricity, computers and the internet, and called on the authorities and teachers to make sure that the current measures did not further disadvantaged them.⁴⁷

Similarly, the **Slovenian** equality body, the Advocate of the Principle of Equality called for the introduction of specific measures to address inequalities faced by members of Roma communities including in the context of the Covid-19 epidemic. The Advocate noted that posters with information on preventive measures were displayed in some Roma settlements and urged that the relevant information was provided to the rest of population in the language they understood. As many settlements, particularly in SE Slovenia lack access to drinking water, the Advocate requested the immediate provision of drinking water to these settlements, including through temporary solutions such as water tanks and containers, but warned that any solution disregarding the need for physical distancing when obtaining water was not acceptable. The body further warned about the need for spaces for self-isolation for the Roma, as many lived in overcrowded dwellings lacking such spaces. The Advocate also called for specific measures in the field of education enabling participation of Roma children on an equal footing with other children.⁴⁸

The Advocate of the Principle of Equality, the **Slovenian** equality body, issued on 6 April recommendations to local communities encouraging them to adopt additional measures to protect homeless persons. According to the body, the prohibition of movement and gathering of people in public places and areas, as well as the ban on provision of goods and services, disproportionately affected rough sleepers. For example, local authorities closed public restrooms, restricting the ability of homeless people to care for personal hygiene and consequently increasing the risk for their health. In the Advocate's opinion, the homeless people belong to groups more likely to be at risk, as most of them have no place to self-isolate. Rare homeless shelters are overcrowded and homeless people return to the streets for fear of infection. This directly increases the risk of their infection, as well as the transmission of the infection to other residents. The lockdown also halted activities which represent the source of income to many homeless persons (e.g. selling street papers). The Advocate highlighted some examples of good practices in certain local communities (e.g. opening a public restroom to homeless people, provision of additional shelter places, provision of hot meals and overnight stay, a dry cleaning service providing for laundry of the most vulnerable group), but also noted that, according to available information, specific measures were not in place in several larger local communities in Slovenia. The body hence recommended that the municipalities adopt tailored

⁴⁷ Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic*) (2020), '[Ob svetovnem dnevu opozorila o prikrajšanosti Romov](#)', 8 April 2020.

⁴⁸ Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*) (2020), '[Odpravimo diskriminacijo Romov](#)', 8 April 2020.

measures for the homeless (e.g. provision of safe all-day accommodation enabling self-isolation, provision of protective equipment, accessibility of toilets, access to hot meals, laundry facilities).⁴⁹

In **Slovenia**, the researchers with the Institute of Criminology at the Faculty of Law in Ljubljana (*Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani*) studied trends in criminal offences during the Covid-19 epidemic. They compared the police data from 13 March to 13 April 2020 with the data from the same period in 2019. The research findings, among other things, show an increase in reported alleged criminal offences against marriage, family and children, as titled in the Criminal Code.⁵⁰ The number of alleged criminal offences of domestic violence was around 10 % higher in 2020 (119), compared with the same period in 2019 (108). The number of these offences in the period from 13 March to 13 April 2020 is also around 10 % higher than the average monthly number of such offences in the period from 2015 to 2019. The researchers attribute part of the reason for this trend to the fact that families are forced to spend more time together. According to them, the period of the epidemic and the measures adopted to fight it do not entail an increased risk only because of the temporal dimension of family contacts, but also, or mainly, because of the increased stress and irritability on the part of the perpetrators, as well as because of the increased sense of powerlessness and inability to find a way out on the part of victims.⁵¹

The researchers in **Slovenia** further found a striking increase in the number of reported alleged offence of abduction of a child. In the period from 13 March to 13 April 2020, there were 95 such alleged offences, compared to 22 such offences in the same period in 2019. The researchers interpret this in the light of the movement restriction measures and considerable uncertainty regarding the contacts of children in cases of divorced parents at the beginning of this period. While the relevant authorities clarified that measures of self-isolation and movement restriction did not affect the contacts of children with their parents, these nevertheless caused considerable frictions between parents, resulting in complaints to the police (e.g. a parent did not allow contact with the other parent, or kept the child by referring to restrictive measures at the time of the epidemic).⁵²

2 Users' data - privacy and data protection

2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data

In **Slovenia**, mobile applications for tracking contacts of individuals who contracted Covid-19 or enabling social distancing are not in use, and currently there are no arrangements between the national authorities and external data providers in this regard. Following the 28 April videoconference meeting of the EU ministers responsible for home affairs, where, among other

⁴⁹ Slovenia, Advocate of the Principle of Equality (Zagovornik načela enakosti), [Recommendation regarding the adoption of additional measures for the protection of homeless people during the course of the COVID-19 epidemic No. 0709-38/2020/1](#), 6 April 2020.

⁵⁰ Slovenia, [The Criminal code \(Kazenski zakonik\)](#), 20 May 2008, and subsequent modifications.

⁵¹ M. Plesničar, M., Drobnjak, M., Filipčič, K. (2020), [Kriminaliteta v času Covid-19: Študija](#), Ljubljana, Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.

⁵² M. Plesničar, M., Drobnjak, M., Filipčič, K. (2020), [Kriminaliteta v času Covid-19: Študija](#), Ljubljana, Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.

things, they discussed the use of tracing applications,⁵³ the national minister gave a statement claiming that such applications were not available in Slovenia and that, as a small country, Slovenia would probably access to an application available on the market. The minister however, further noted that this would not be the case in the short term, and that the use of such an application, to be effective, should firstly be carefully presented to the general population.⁵⁴

On 10 April, upon receiving a request for opinion on the use of mobile applications for tracing individuals who have contracted Covid-19 and for restricting their movement, the **Slovenian** Information Commissioner (*Informacijski pooblaščenec*) issued the requested opinion. Since the applicant had not submitted information on the technical specifications of the mobile applications, the Commissioner produced some general remarks on its possible introduction. They, among other things, particularly highlighted that it was imperative, in the light of the experience of some other countries, to firstly carry out an impact assessment as regards technical parameters of the application in relation to the objectives pursued and in the light of the principle of proportionality, and only then to consider the creation of the legal framework that also includes safeguards for the rights of individuals. According to the Commissioner, the transparency of data processing is of paramount importance, namely what personal data the application will actually process, for what purposes, the latter being narrowly and clearly defined, where and how the data will be stored, who will be the data controller, what will be the legal basis, how long will the data be kept and how the data will be deleted.⁵⁵

2.2 Legal framework enabling collection, processing, sharing and storage of user data

The **Slovenian** parliament passed on 2 April, applicable from 11 April, Intervention Measures to Contain COVID-19 Epidemic and to Mitigate its Consequences for Citizens and Economy Act (*Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*). The principal objective of the act is to ease the plight of the general population and the economy following the Covid-19 outbreak. Apart from this, pursuant to Article 103 of this act, for the purpose of curbing and controlling the epidemic and ensuring compliance with the specific measures set out in the law governing infectious diseases, and the related decrees and ordinances adopted to curb and control the epidemic, the police are, among other things, granted the power to collect and process the personal data. The obtained data are to be used in relation to the following police powers: searching for persons, identification of persons via photographs, erection of roadblocks with blocking points, temporary restriction of movement of persons and summons.

According to Article 103, the **Slovenian** police shall have access to the following data controlled or obtained by the National Institute for Public Health (*Nacionalni inštitut za javno zdravje*): personal name; personal identification number (*EMŠO*), the number, type and country of the issuance of a personal document of a foreigner; permanent or temporary residence address; data on the personal doctor; data on the decision on isolation or quarantine of the infected person; data on the type, duration and the place of isolation or quarantine; data on restriction imposed on persons concerned (i.e. on protective equipment and manners of transportation). The data obtained shall be kept for at least the duration of the measures imposed on the basis of the law governing infectious diseases, or

⁵³ For more information, see the webpage of the Croatian Presidency of the Council of the European Union on <https://eu2020.hr/Home/OneNews?id=262>.

⁵⁴ Dnevnik (2020), 'Hojs: Aplikacija za sledenje je treba dobro predstaviti ljudem', 28 April 2020.

⁵⁵ Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [Opinion No. 07120-1/2020/278](#), 10 April 2020.

the decrees and ordinances adopted to curb and control the epidemic, but not later than 30 days after the declaration of the end of the epidemic. Upon expiration of this period, the obtained data shall be erased or destroyed.⁵⁶ Since 23 April, the implementing regulation laying down the exchange of personal data between the National Institute for Public Health and the police has been in force.⁵⁷

2.3 Privacy and data protection concerns and possible solutions

The Information Commissioner submitted to the **Slovenian** parliament, on 30 March, their opinion on the government Draft Intervention Measures to Contain COVID-19 Epidemic and to Mitigate its Consequences for Citizens and Economy Act. They were highly critical of the drafted provisions and recommended the parliament their rejection. Apart from Article 103 mentioned in the preceding section, the draft included provision granting the police the power to trace mobile phone locations of individuals without a court order. While the latter was subsequently dropped in the parliament, the Commissioner established that it was in conflict with the Constitution which required a court order for such an action. As regards Article 103, the Commissioner pointed to the vague wording of this provision, which granted the police specific powers not only in relation to enforcement of specific measures under the law governing infectious diseases, and the related decrees and ordinances adopted to curb and control the epidemic, but also for the general purpose of curbing and controlling the epidemic. In the opinion of the Commissioner, such a provision can potentially capture all population of Slovenia. They further raised concerns over the government failure to consult with the Information Commissioner and to inform the general public about the proposed provisions, as well as over the lack of impact assessment of the proposed provisions regarding the personal data protection.⁵⁸

2.4 Any other privacy and data protection concerns

In **Slovenia**, there are two significant non-official web-based initiatives collecting data on the spread of Covid-19. The first initiative collects, analyses and publishes data on the spread of the virus with the aim to provide the general public with a better overview of the magnitude of the problem and with a risk assessment. The initiative collects the data from a range of publicly available sources, namely government sources, healthcare institutions, and from local and national media.⁵⁹

The other **Slovenian** initiative is based on self-reporting, whereby members of the general population report whether they have symptoms of the infection, suspect that they contracted the infection or have recovered from it, or report that neither is the case. The initiative provides data on the spread of infection and calculates the population immunity (i.e. the ratio of persons who have contracted and/or have recovered from the infection) and the basic reproduction number of the

⁵⁶ Slovenia, [The Intervention measures to contain COVID-19 epidemic and to mitigate its consequences for citizens and economy act](#) (*Zakona o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitve njenih posledic za državljane in gospodarstvo*), 2 April 2020, and subsequent modifications.

⁵⁷ Slovenija, [The Order on the exchange of personal data on the special measures of isolation, quarantine and mandatory medical treatment because of the COVID-19 infection between the National Institute of Public Health and the Police](#) (*Sklep o izmenjavi osebnih podatkov o odrejenih posebnih ukrepih osamitve, karantene in obveznega zdravljenja zaradi bolezni COVID-19 med Nacionalnim inštitutom za javno zdravje in Policijo*), 22 April 2020.

⁵⁸ Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [Opinion No. 007-13/2020/2](#), 30 March 2020.

⁵⁹ For more information, see the project webpage on <https://covid-19.sledilnik.org/stats>.

infection. The overall aim of the initiative is to inform and raise awareness of the general population on the course of the Covid-19 epidemic.⁶⁰

The second **Slovenian** initiative was immediately after its launch on 25 March subject to consideration by the Information Commissioner who received a number of complaints and questions regarding the website. While the Commissioner welcomed its aim, namely the use of contemporary technology to assist in the containment of the infection, they highlighted that such initiatives should observe the rules in the field of personal data protection. The Commissioner noted that apart from the data on their state of health, members of the population also provided their personal identification number (*EMŠO*), as well as region and municipality of their residence. While the initiative claimed that the provided data were anonymised, the Commissioner established that these data were only encrypted via SHA256 algorithm, hence only pseudonymised, and could be fully recovered by means of certain methods. In a public statement, the Commissioner called on the project team to provide for personal data protection, that is – to ensure the lawfulness of the data processing (i.e. its legal basis, which could be consent in this specific case, whereby this had to be voluntary given, specific, informed and unambiguous); to adequately inform the targeted individuals as a prerequisite for the legal data processing, to provide for an impact assessment; and to ensure that other obligations under the General Data Protection Regulation and the national legislation are met.⁶¹ Following the Commissioner's intervention, the website was immediately shut down.

In the later period, the project team submitted the impact assessment to the **Slovenian** Information Commissioner for the opinion, and subsequently requested another Commissioner's opinion regarding data anonymisation. The applicant explained, as regards the latter, that in the process of real-time data aggregation the data were transmitted from the client to the server via an HTTP GET request under the SSL protocol, and this request was processed in such a manner that the data provided by the individual persons were not stored in the database as an individual record, but the values in the corresponding aggregates were increased by 1. As a result, the data relating to an individual are kept for only a few milliseconds in the HTTPS GET request, whereby the server red data and the values in the corresponding aggregates were incremented, and the request itself was then forgotten. In their non-binding opinion, based on the applicant's information, the Commissioner established that the possibility of the identification of an individual was very low or unlikely, but that a certain amount of risk cannot be excluded, and advised the applicant to process the data as these were personal data.⁶² The media reported that the website was again launched in April and that members of the project team stated that it was done in compliance with the Commissioner's instructions.⁶³

⁶⁰ For more information, see the project webpage on <https://covid-19-stats.si/>.

⁶¹ Slovenia, Information Commissioner (*Informacijski pooblaščenec*) (2020), 'Sporočilo za javnost glede obdelave osebnih podatkov preko neodvisne spletne strani za zbiranje in prikazovanje podatkov o okužbi Covid-19 v Sloveniji <https://covid-19-stats.si/> (COVID-19 SAMOPOROČANJE)', public release, 26 March 2020. For more information, see the webpage of the Information Commissioner on www.ip-rs.si/novice/porocilo-za-javnost-glede-obdelave-osebni-podatkov-preko-neodvisne-spletne-strani-za-zbi-1177/.

⁶² Slovenia, Information Commissioner (*Informacijski pooblaščenec*), *Opinion No. 07121-1/2020/500*, 3 April 2020.

⁶³ Špende, R. (2020), '[Koronaštevca, portal za samoporočanje o širjenju okužbe s covid-19, znova vzpostavljen](#)', *Dnevnik*, 13 April 2020.