

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Slovakia

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency, including enforcement actions

As of 16 March 2020 the Government declared the state of emergency in the health care system pursuant to the Article 5 of the Constitutional Law No. 227/2002 Coll.¹ That means the introduction of work obligation to secure smooth performance of health care, i.e. no health care professional can refuse to come to work and exercising the right to strike is prohibited.² The Government Resolution declaring the state of emergency³ does not specify the end date. However, the Act No. 227/2002 Coll. specifies in its Art. 5 (2) that state of emergency can only be declared for a maximum of 90 days. The state of emergency which was declared for state hospitals from 16 March in connection with the outbreak of the new coronavirus and from 19 March for other bodies operating in the healthcare sector. From 18 April on, it also applies to outpatient doctors, general practitioners and specialists.⁴

Restrictions on free movement of people during Easter

Free movement of persons was restricted from 8 to 13 April 2020. As part of the proposal to extend emergency measures under the State Security Act in time of war, state of war, state of emergency and state of crises, the government decided to do so. The Government adopted the resolution⁵ based on the recommendation of the Council of Experts. Exceptions to the restriction were journeys to and from work, shopping, doctor's visit, funeral of a relative, stay in nature within the district, or in case of Bratislava and Košice within the city. The borders of the district, or the areas of Bratislava and Košice, had to be respected also in cases of looking after a relative in need of care or assistance to neighbours. At the same time, the Government also prohibited the free exercise of the right to peaceful assembly for the mentioned period, except for persons living in the same household.

The restriction was to prevent mass family visits during Easter holidays, and thus the risk of a regression of the present positive tendency to minimise the spread of the coronavirus in Slovakia. Compliance with the ban was controlled by the forces of the interior and defense ministries, and non-compliance entailed sanctions. The Prime Minister announced thousands of patrols in the streets.⁶ The police carried out more than 150,000 checks in connection with the Easter-time limits on

¹ Slovakia, Act No 227/2002 Coll. On the State Security in Times of War and State of Emergency. Available at <https://www.zakonypreludi.sk/zz/2002-227>; Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Government Resolution No 114/2020 on the Proposal to Declare State of Emergency Pursuant to the Act No. 227/2002 Coll., 15 March 2020, available at <https://rokovania.gov.sk/RVL/Resolution/18252/1>

² Please see <https://www.minv.sk/?tlacove-spravy&sprava=koronavirus>

³ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), "Government Resolution No. 114/2020 on the Proposal to Declare State of Emergency Pursuant to the Law No. 227/2002 Coll.", 15 March 2020, available at <https://rokovania.gov.sk/RVL/Resolution/18252/1>

⁴ Aktuality.sk (2020), 'Koronavírus: vláda schválila rozšírenie núdzového stavu aj na ambulantných lekárov', 16 April 2020, available at <https://www.aktuality.sk/clanok/782942/koronavirus-vlada-schvalila-rozsirenienudzoveho-stavu-aj-na-ambulantnych-lekarov/>

⁵ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), "Government Resolution No. 2017/2020 on the Proposal to Declare State of Emergency Pursuant to the Law No. 227/2002 Coll.", 6 April 2020, available at <https://rokovania.gov.sk/RVL/Resolution/18345/1>

⁶ Slovakia, Government Office of the Slovak Republic (*Úrad vlády Slovenskej republiky*) (2020), 'Vláda: Obmedzila voľný pohyb osôb počas Veľkej noci', available at <https://www.vlada.gov.sk/vlada-obmedzila-voľny-pohyb-osob-pocas-velkej-noci/>

movement. They recorded more than 3,000 violations. The police checks caused huge traffic jams in certain localities.⁷

1.2 Measures affecting the general population

1.2.1 Social distancing

In Slovakia, the Public Health Authority **banned organisation of all mass events** (from 24 March 2020 until further notice).⁸ Violation of this regulation is punishable by a fine in the amount of 1659 EUR (applies to natural persons) or 20 000 EUR (applies to legal persons).⁹

On 24 March 2020, Public Health Authority ordered all persons to **wear face masks** or other alternatives covering upper respiratory tract whenever leaving their home.¹⁰ The order was replaced by a new order of 20 April 2020 specifying categories of persons who are exempted from this rule (children up to 2 years of age, persons with autism). Masks do not have to be worn by members of the same household when travelling together in a car or when staying outside (in the nature). The order does not specify any penalties.¹¹

It is further advised to keep a safe 2m distance, limit mobility outside one's home to only necessary extent. Babysitting of children by their grandparents is not recommended.¹²

As of 6 April 2020, all individuals (with some exceptions, such as pregnant women, cancer patients, persons with disabilities, persons above the age of 75 and persons with diplomatic immunity) coming to Slovakia from abroad are obliged to undergo a **14-day quarantine in a state facility**.¹³ Violation of this regulation is punishable by a fine of 1659 EUR.¹⁴ As of 27 April 2020, there were 57 state facilities.¹⁵

Slovakia launched **first phase of releasing the measures** on 22 April 2020. Businesses up to 300m² can now be open for public provided they follow strict hygienic standards: wearing face masks, regular

⁷ Aktuality.sk (2020), 'Koronavírus: Cez Veľkú noc sme zaznamenali vyše 3000 porušení obmedzenia pohybu, vyhlásil minister vnútra', 14 April 2020, available at <https://www.aktuality.sk/clanok/782222/koronavirus-cez-velku-noc-sme-zaznamenali-vyse-3000-poruseni-obmedzenia-pohybu-vyhlasil-minister-vnutra/>

⁸ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva pri ohrození verejného zdravia č. OLP/2731/2020', 23 March 2020, available at http://www.uvzsr.sk/docs/info/covid19/Opatrenie_UVZSR_zakaz_hromadnych_podujati_od_24032020.pdf

⁹ Slovakia, Act No. 355/2007 Coll. on Protection, Support and Development of Public Health as amended (Zákon č. 355/2007 Z.z. o ochrane, podpore a rozvoji verejného zdravia a o zmene a doplnení niektorých zákonov), Para 56 and 57, 21 June 2007, available at <https://www.zakonypreludi.sk/zz/2007-355>

¹⁰ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva pri ohrození verejného zdravia č. OLP/2732/2020', 24 March 2020, available at http://www.uvzsr.sk/docs/info/covid19/Opatrenie_UVZSR_povinnost_nosit_ruska_24032020.pdf

¹¹ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva pri ohrození verejného zdravia č. OLP/3355/2020', 20 April 2020, available at https://www.korona.gov.sk/wp-content/uploads/2020/04/Opatrenie_pre_nosenie_rusok.pdf

¹² For more information please see <https://www.korona.gov.sk/prijate-opatrenia/>

¹³ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva pri ohrození verejného zdravia č. OLP/3012/2020', 4 April 2020, available at https://www.korona.gov.sk/pdf/Opatrenie_statna_karantena_04042020.pdf

¹⁴ Slovakia, Act No. 355/2007 Coll. on Protection, Support and Development of Public Health as amended (Zákon č. 355/2007 Z.z. o ochrane, podpore a rozvoji verejného zdravia a o zmene a doplnení niektorých zákonov), Para 56, 21 June 2007, available at <https://www.zakonypreludi.sk/zz/2007-355>

¹⁵ List of state facilities available at <https://www.korona.gov.sk/zoznam-karantennych-zariadeni/>

disinfection of hands of all personnel and customers, regular disinfection of premises, keeping the safe 2m distance (or a limit of 25m² per customer).¹⁶ Outdoor sport facilities were open as well under specific conditions (keeping 2m distance, no contact sports allowed, only individual sports or sports in small groups up to 5 people can be practised).¹⁷

1.2.2 Education

All schools are closed since March and there is no official date of their opening. Ministry of education runs the website www.ucimenadialku.sk providing support, recommendations, learning materials and other forms of support for distance learning during the pandemic situation. Several materials and supporting documentation are provided also for distance learning of vulnerable groups of children (e.g those with learning disabilities, children with different mother tongue, children with migration background, etc). Those materials cover several activities for parents of children with learning disabilities - such as guidelines how to organise learning, how to support them psychologically, etc¹⁸. For children with migration background there are recommendations for teachers how to communicate with children and parents and how to adapt the content of learning to current situation published by the Milan Šimečka Foundation and Center for the research of ethnicity and Culture¹⁹.

Education for children from socially disadvantaged environment is much more difficult. Institute of education policy published the analysis stating that more than 32 000 children have no access to internet. 60% of children from Roma communities have no access to internet. More than 110 000 children are dependent on free meals in schools (which are not provided currently)²⁰. Institute also provided some recommendations for distance learning of disadvantaged children, such as providing alternative materials for children with no access to internet, improving communication of teachers with children from disadvantaged groups, decreasing of content of education, etc. However, no official methodical guide or any form of formal support has been published yet by the Ministry of education. There is one important measure – TV broadcasting providing distance teaching for children generally including children from Roma communities.

¹⁶ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva pri ohrození verejného zdravia č. OLP/3461/2020', 21 April 2020, available at https://www.korona.gov.sk/wp-content/uploads/2020/04/22_04_2020_otvorenie_prevadzok_rezimove_opatrenia_HH_SR.pdf

Slovakia, Government Office of the Slovak Republic (Úrad vlády SR) (2020), 'Začína 1. Fáza uvoľňovania opatrení, otvárajú viaceré prevádzky a športoviská', 21 April 2020, available at <https://www.vlada.gov.sk/zacina-1-faza-uvolnovania-opatreni-otvaraju-viacere-prevadzky-ci-sportoviska/>

¹⁷ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Usmernenie k opatreniu Úradu verejného zdravotníctva SR č. OLP/3461/2020 zo dňa 21.04.2020 vo veci prevádzky vonkajších športovísk pre bezkontaktný šport', 23 April 2020, available at https://www.korona.gov.sk/wp-content/uploads/2020/04/Usmernenie_hlavneho_hygienika_SR_sportoviska.pdf

¹⁸ All supporting materials are available at the website of the Platform for families with children with disabilities: <https://www.platformarodin.sk/inklulinka/zvladnemetodoma/>

¹⁹ Milan Šimečka Foundation and Center for the Research of ethnicity and Culture (2020)

'Vzdelávanie detí cudzincov v čase korony', available at:

<https://www.nadaciamilanasidecku.sk/files/galleries/kapacity/vzdelavanie%20deti%20cudzincov%20ov%20case%20korony.pdf>

²⁰ Slovakia, Bednárik, M (et.al) (2020), *Ako v čase krízy zabezpečiť vzdelávanie pre všetky deti*, Bratislava, Inštitút vzdelávacej politiky, April 2020, available at: <https://www.ozpsav.sk/sk/Aktuality/udalosti-oznamy/ako-v-case-krizy-zabezpecit-pristup-k-vzdelavaniu-pre-vsetky-deti-komentar-ivp.alej>

1.2.3 Work

In Slovakia, work related measures are rather general and aimed to alleviate economic impacts of coronavirus. The Ministry of Labour, Social Affairs and Family informs that all employers are obliged to follow health and safety measures at their place of business.²¹ Adoption of appropriate protective measures related to the spread of coronavirus is to be assessed and decided by the employer but can be guided by decisions and guidelines adopted by the Government and the Public Health Authority.²² As to the economic relief measures the Ministry of Labour, Social Affairs and Family launched a First Aid Programme for the following target groups: employers that had to close their business based on the decision of the Public Health Authority, natural persons who had to close their trade licence businesses based on the decision of the Public Health Authority or experienced at least 20% drop in their revenues, employers who sustain jobs during the crisis, trade licence holders and all persons who lost their income entirely. The measures feature wage compensations (must not be lower than minimum wage), revenue compensations in various amounts and flat-rate allowances.²³

As of 25 March 2020, all shops and businesses that were left open were to be closed every Sunday and disinfected.²⁴ Violation of the measure is punishable by a fine of up to 20 000 EUR.²⁵

Client centres of the Ministry of Interior were open only 3 hours a day since the beginning of the state of emergency. As of 27 April 2020, they are open for clients for 6 hours a day.²⁶

Special attention is paid to personnel and clients of nursing homes and social services facilities since cases of COVID-19 were found in several facilities. The state therefore launched massive testing of personnel and residents of all nursing homes and social services facilities in Slovakia. It amounts to approximately 42 thousand clients and 37 thousand employees.²⁷

Public Health Authority and Ministry of Health Care issued several measures aimed at various health care professionals to help them safely provide health care. Nurses in domestic care for instance are required to ask screening questions over the phone to establish the risk of their new patient being infected with COVID-19. The guidelines contain the set of screening questions. Nurses are also obliged

²¹ Slovakia, Act No. 124/2006 Coll. on Health and Safety at Work as amended (Zákon č. 124/2006 Z.z. o bezpečnosti a ochrane zdravia pri práci a o zmene a doplnení niektorých zákonov), Para 5, 2 February 2006, available at <https://www.zakonypreludi.sk/zz/2006-124>

²² Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2020), 'Koronavírus, pracovné právo, PN a ošetrovné', 10 March 2020, available at <https://www.employment.gov.sk/sk/informacie-media/aktuality/koronavirus-pracovne-pravo-pn-osetrovne.html>

²³ For more information on measures please see the official website of the Ministry of Labour, Social Affairs and Family dedicated to relief measures <https://www.pomahameludom.sk/>

²⁴ Slovakia, Public Health Authority (*Úrad verejného zdravotníctva*) (2020), 'Opatrenie Úradu verejného zdravotníctva pri ohrození verejného zdravia č. OLP/2733/2020', 24 March 2020, available at http://www.uvzsr.sk/docs/info/covid19/Opatrenie_UVZSR_zakaz_prevadzok_v_nedelu_sanitarny_den_24032020.pdf

²⁵ Slovakia, Act No. 355/2007 Coll. on Protection, Support and Development of Public Health as amended (Zákon č. 355/2007 Z.z. o ochrane, podpore a rozvoji verejného zdravia a o zmene a doplnení niektorých zákonov), Para 57(41a), 21 June 2007, available at <https://www.zakonypreludi.sk/zz/2007-355>

²⁶ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), 'Pracoviská MV SR budú od pondelka verejnosti k dispozícii 6 hodín denne', 26 April 2020, available at <https://www.minv.sk/?tlacove-spravy&sprava=pracoviska-mv-sr-budu-od-pondelka-verejnosti-k-dispozicii-6-hodin-denne>

²⁷ Webnoviny.sk (2020), 'Všetkých klientov a zamestnancov DSS otestuje štát, chce tak zistiť prípadné ohniská nákazy', 23 April 2020, available at <https://www.webnoviny.sk/vzdravotnictve/1499174/>

to have a spare set of protective equipment at hand.²⁸ Pediatricians are to provide only necessary health care. Patients are required to consult their conditions over the phone before coming to the office, including video chats where possible. Unless the health condition requires physical examination the doctor prescribes symptomatic treatment and issues an e-prescription. With respect to regular check ups and scheduled vaccinations of infants, these are only performed with children up to 12 months of age. Older children's vaccinations are postponed. Even with infants the doctors are to use a set of screening questions over the phone to assess the risk of infection before setting the appointment. Pediatricians are also required to reduce the number of staff present in the office at a time.²⁹ As to the social service facilities it is required that all new clients are admitted only after undergoing a 14-day quarantine and presenting a negative COVID-19 test. The staff is required to daily monitor their own health and to monitor clients' health condition twice a day. Furthermore, premises are to be regularly disinfected. The guidelines contain instructions on proper hand-washing and social distance keeping (2m distance whenever possible). Social service facilities are also required to designate isolation premises for suspect clients.³⁰ Similar guidelines have been issued for other health care professionals and specialists (such as dentists, orthopaedists, clinical microbiologists, pulmonologists, physiotherapists, ophthalmologists, OBGYN etc.).³¹

1.2.4 Access to justice

On 23 March 2020 the Crisis Staff of the Ministry of Justice adopted several measures to prevent spreading of the virus: checks of all persons entering court buildings, operation of the Ministry's information centre limited to only telephone and email consultations, entry to court buildings limited to persons whose presence at judicial proceedings is necessary. Up until 30 April 2020 only certain proceedings may take place: custody matters, socio-legal protection of minors and proceedings cancellation of which would cause irreparable damages. Probation and mediation officers are required to carry out only tasks that cannot be postponed.³²

Legal Aid Centre providing legal assistance to persons in material need was closed from 31 March until 27 April 2020 and provided consultations only via telephone or email. As of 27 April, their offices are re-opened in a limited mode of operation (one client at a time and following hygienic standards).³³

²⁸ Slovakia, Ministry of Health Care of the Slovak Republic (*Ministerstvo zdravotníctva SR*) (2020), 'Metodické usmernenie pre poskytovateľov ošetrovateľskej starostlivosti v domácom/sociálnom prostredí pacientov počas pandémie COVID-19 - základné postupy', 24 March 2020, available at <https://korona.gov.sk/wp-content/uploads/2020/04/ADOS.pdf>

²⁹ Slovakia, Ministry of Health Care of the Slovak Republic (*Ministerstvo zdravotníctva SR*) (2020), 'Metodické usmernenie hlavného odborníka pre VLDaD pre poskytovanie zdravotnej starostlivosti vo všeobecnej ambulancii o deti a dorast počas pandémie COVID-19 - základné postupy', 19 March 2020, available at https://korona.gov.sk/wp-content/uploads/2020/04/Usmernenie-HO-VLDD_24-3-2020.pdf

³⁰ Slovakia, Public Health Authority (*Úrad verejného zdravotníctva*), 'Zabezpečenie ochrany klientov a personálu zariadení sociálnych služieb počas pandémie COVID-19. OE/3449/89449/2020', 20 April 2020, available at http://www.uvzsr.sk/docs/info/covid19/Zabezpecenie_ochrany_klientov_ZSS_a_personalu_ZSS_pocas_pandemie_COVID_19.pdf

³¹ All health care related guidelines are available at <https://korona.gov.sk/pokyny-pre-zdravotnickych-pracovnikov/>

³² For more information please see the website of the Ministry of Justice <http://www.justice.gov.sk/Stranky/Prevencia-pred-koronavirusom.aspx>

³³ Slovakia, Legal Aid Centre (*Centrum právnej pomoci*) (2020), 'Opatrenia prijaté v súvislosti so šírením COVID-19', 24 April 2020, available at <https://www.centrumpravnejpomoci.sk/aktualita/7-prijate-opatrenia-v-suvlosti-so-sirenim-covid-19>

In April 2020, an amendment to the Act on Residence of Foreigners³⁴ was adopted that is, among others, concerned with detention for the purpose of administrative expulsion. Due to coronavirus, administrative expulsions are postponed for the duration of the crisis which could be interpreted in a way that the purpose of the detention no longer exists. However, the postponement does not constitute a reason for the detainee to be released. The provision is criticised by the Human Rights League (*Liga za ľudské práva*) who suggests using alternatives to detention.³⁵ The Human Rights League reported that detentions for the purpose of returns are also problematic. Given that returns cannot be executed for the foreseeable future (and should normally be executed within 6 months) the purpose of detention no longer exists. Detainees are nevertheless not released because their legal status after release would be unclear. Human Rights League suggests considering all such released detainees asylum seekers and placing them in the Reception Centre Humenné.³⁶ Human Rights League further reported that all newly detained foreigners are placed in quarantine rooms.³⁷

1.2.5 Freedom of movement

Closure of borders was extended until 7 May 2020.³⁸ Entry is only allowed to legally-residing persons (the measure does not specify whether EU citizens or third-country nationals) with a valid travel document.³⁹

In April 2020, cross-border commuters commuting daily to a job in a neighbouring country (within 30 km of the border) were subject of a debate. At first, commuters were to be tested for coronavirus on a monthly basis and at their own expense. This measure was widely criticised among others by Slovak MEPs.⁴⁰ For the time being, the measure was retracted and may be activated depending on the epidemiological situation in the neighbouring countries.⁴¹ Health and care workers working in border regions of the Czech Republic and Austria further than 30 km from the border do not have to undergo quarantine after returning to Slovakia but will have to provide a negative coronavirus test results not older than 96 hours.⁴²

³⁴ Slovakia, Act No. 73/2020 Coll. amending certain acts in the purview of the Ministry of Interior of the Slovak Republic in relation to COVID-19 (*Zákon č. 73/2020 Z.z. ktorým sa menia a dopĺňajú niektoré zákony v pôsobnosti Ministerstva vnútra Slovenskej republiky v súvislosti s ochorením COVID-19*), 7 April 2020, available at <https://www.zakonypreludi.sk/zz/2020-73>

³⁵ Human Rights League (2020), 'Je bezúčelné pozbavenie slobody cudzincov v čase Covid-19 v súlade s Ústavou SR?', *SME Daily*, 24 April 2020, available at <https://ligazaludskeprava.blog.sme.sk/c/534391/je-bezucelne-pozbavenie-slobody-cudzincov-v-case-covid-19-v-sulade-s-ustavou-sr.html?ref=sekciabox>

³⁶ Information provided by the Director of the Human Rights League via telephone on 27 April 2020.

³⁷ Information provided by the Director of the Human Rights League via telephone on 27 April 2020.

³⁸ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), 'Kontroly na vnútorných hraniciach budú až do 7. Mája, minister vnútra rozhodol o dodržiavaní obmedzenia pohybu počas Veľkej noci', 14 April 2020, available at <http://www.minv.sk/?tlacove-spravy-2&sprava=kontroly-na-vnutornych-hraniciach-budu-az-do-7-maja-minister-vnutra-zhodnotil-dodrziavanie-obmedzenia-pohybu-pocas-velkej-noci>

³⁹ For more information please see <https://www.korona.gov.sk/prijate-opatrenia/>

⁴⁰ Euractiv.sk (2020), 'Slovenskí europoslanci kritizujú povinné testovanie pendlerov a "Za vlastné"', 20 April 2020, available at <https://euractiv.sk/section/buducnost-eu/news/slovenski-europoslanci-kritizuju-povinne-testovanie-pendlerov-a-za-vlastne/>

⁴¹ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), 'Pendleri a pracovníci v sociálnych službách budú mať výnimku z povinnej karantény', 28 April 2020, available at <http://www.minv.sk/?tlacove-spravy-2&sprava=pendleri-a-pracovnici-v-socialnych-sluzbach-budu-mat-vynimku-z-povinne-karanteny>

⁴² For more information please see <https://www.korona.gov.sk/prijate-opatrenia/>

1.3 Impact of measures on particular groups

On 21 April 2020, 25 different organisations working with various vulnerable groups joined together and published the call for coordinated approach⁴³ in support of vulnerable groups. This manifesto was also supported and signed by 55 other NGOs and service providers. This manifesto analyses the impact of pandemic situations and measures taken by state to various specific groups, from which three groups as the most affected:

Older people

Older people suffer from the current situation because they are most vulnerable to the negative impacts of the corona virus.

1. Older people suffer from the lack of contact due to the social distancing measures – its recommended to stay at home and to avoid any contact with relatives or friends. Due to this, older people suffer emotionally and socially and they are in a risk of worsening of their physical and mental health. Some of the older people (especially those living alone) have limited access to basic services (health care, food, medicines)⁴⁴. NGOs, other organisations and volunteers help older people to overcome these limitations.
2. Several institutions, such as care homes for elderly people are in quarantine with no possibilities to go out or to be visited by their relatives. Above mentioned impacts on the elderly are even more severe in the institutions, because when institutions are in quarantine regime, the older people have no possibilities to have any social contact with their families, they are more vulnerable to get infected and due to the limited capacities in the institutions also health care is quite limited.
3. On 21 April 2020, the new measure was adopted by the Public health office⁴⁵. According to the directive, the elderly over 65 years were allowed to go to the grocery stores and other facilities only in limited hours (from 9.00 to 11.00 during the working days). After a broad public discussion and the appeal of the ombudsperson from the 23 April 2020⁴⁶, this directive was cancelled by the Public health office on 24 April 2020. The ombudsperson argued that this measure exceeds the permissible limits and exceeds the requirements of the proportionality principle in case when the right to freedom of movement guaranteed by the Constitution of the Slovak republic is restricted⁴⁷.

⁴³ Človek v ohrození (2020), *Spájame sa na pomoc zraniteľným skupinám*, available at: https://clovekvohrozeni.sk/spajame-sa-pre-ochranu-zranitelnych-pred-covid-19/?fbclid=IwAR2fMznAnwsYN7IjEkRDHtmzSEr0FEdwoZ0nhrreWZ__LwfFNI8nNh_S390

⁴⁴ Človek v ohrození (2020), *Spájame sa na pomoc zraniteľným skupinám*, available at: https://clovekvohrozeni.sk/spajame-sa-pre-ochranu-zranitelnych-pred-covid-19/?fbclid=IwAR2fMznAnwsYN7IjEkRDHtmzSEr0FEdwoZ0nhrreWZ__LwfFNI8nNh_S390.

⁴⁵ Slovakia, Public health authority (Úrad verejného zdravotníctva) (2020) 'Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/3461/2020, 21 April 2020.

⁴⁶ Slovakia, Public defender of rights (Verejná ochrankyňa práv) (2020) 'Stanovisko verejnej ochrankyne práv SR k niektorým opatreniam vlády v súvislosti s pandémiou ochorenia', 23 April 2020, available at: https://www.vop.gov.sk/files/2020_21_Stanovisko_VOP_vyhradeny_cas_nakupov_pre_seniorov.pdf.

⁴⁷ Slovakia, Constitutional Law no. 460/1992 Constitution of the Slovak republic (Ústavný zákon č. 460/1992 (Ústava Slovenskej republiky), 1 October 1992.

Roma communities

After the first cases of coronavirus have been identified in several Roma settlements, five of them have been locked down.

According to NGO Človek v ohrození (People in need) providing humanitarian aid in several Roma communities in Slovakia, this measure has had a rather negative impact on the situation of people living in segregated settlements:

- a) Many families in segregated settlements have no access to drinking water, electricity, sewerage, or have temporary and inadequate housing. The absence of water prevents basic hygiene measures, such as hand washing and food hygiene. Unsatisfactory and small dwellings, as well as a high concentration of people, make it impossible to comply with quarantine measures at home and increase the chance of uncontrolled spread of the virus⁴⁸.
- a) Due to the quarantine measures and worsened economic situation in Slovakia (social distancing/stay at home measures) many families lost their income, which increased the food deprivation, indebtedness and tension within the communities. Many children are dependent on free meals in schools, which are not currently provided.⁴⁹
- b) Quarantine measures also worsened the access to health care for people in segregated Roma communities in quarantine, the access to medicines, etc.⁵⁰
- c) Children who have no access to internet have limited possibilities for distance learning. According to analysis of the Institute of Education Policy, there are some indications that education of children in segregated Romani settlements is very limited or absent.⁵¹

On 29 April, the media published information that several Romani children in settlement of Krompachy (one of the quarantined communities) were beaten by the police officer for not respecting the quarantine measures. According to the children's testimony, they even threatened to shoot them.⁵² Several institutions reacted directly – the Slovak President officially ask the head of police to provide information on the next steps in investigation. According to information provided by the Ministry of Interior⁵³, the police inspectorate started investigation immediately after the information

⁴⁸ Človek v ohrození (2020), *Spájame sa na pomoc zraniteľným skupinám*, available at: https://clovekvohrozeni.sk/spajame-sa-pre-ochranu-zranitelnych-pred-covid-19/?fbclid=IwAR2fMznAnwsYN7ljEkRDHtmzSEr0FEdwoZ0nhrreWZ_LwfFNI8nNh_S390.

⁴⁹ Človek v ohrození (2020), *Spájame sa na pomoc zraniteľným skupinám*, available at: https://clovekvohrozeni.sk/spajame-sa-pre-ochranu-zranitelnych-pred-covid-19/?fbclid=IwAR2fMznAnwsYN7ljEkRDHtmzSEr0FEdwoZ0nhrreWZ_LwfFNI8nNh_S390.

⁵⁰ Človek v ohrození (2020), *Spájame sa na pomoc zraniteľným skupinám*, available at: https://clovekvohrozeni.sk/spajame-sa-pre-ochranu-zranitelnych-pred-covid-19/?fbclid=IwAR2fMznAnwsYN7ljEkRDHtmzSEr0FEdwoZ0nhrreWZ_LwfFNI8nNh_S390.

⁵¹ Bednárík, M (et.al) (2020), *Ako v čase krízy zabezpečiť vzdelávanie pre všetky deti*, Bratislava, Inštitút vzdelávacej politiky, April 2020, available at: <https://www.ozpsav.sk/sk/Aktuality/udalosti-oznamy/ako-v-case-krizy-zabezpecit-pristup-k-vzdelavaniu-pre-vsetky-deti-komentar-ivp.alej>.

⁵² Romea.cz (2020), 'Slovak police officer said to have beaten five Romani children in Krompachy settlement and threaten to shoot them', 29 April 2020, available at: <http://www.romea.cz/en/news/world/slovak-police-officer-said-to-have-beaten-five-romani-children-in-krompachy-settlement-and-threatened-to-shoot-them?fbclid=IwAR30fvbioIkHso2P9w9Fg2YbHIIHYUabm5v2std4IclgFyH91Qg60ahhW26I>.

⁵³ Aktuality.sk (2020), 'Policajt mal zbiť deti v osade, prípad rieši inšpekcia Ministerstva vnútra', 29 April 2020, available at: <https://www.aktuality.sk/clanok/786777/policajt-mal-zbit-pat-deti-v-osade-privad-riesi-inspekcia-ministerstva-vnutra/>

was published. This incident was publicly condemned by the Governmental plenipotentiary for Roma Communities⁵⁴, and by the Ombudsperson⁵⁵ as well.

Homeless people

Homeless people are among the most vulnerable groups. Malnutrition, stress, health disadvantages and exclusion from health care weaken their body's defence systems and reduce the age limit of the risk of a severe disease case of Covid-19 to 40 years. Another reason why they are at a more acute risk is a large percentage of the elderly and people with health problems for whom the infection can have fatal outcomes.⁵⁶

Homeless people have a big problem complying with some measures approved by the government, mainly domestic isolation. In addition, they are unable to comply with other measures, such as a ban on going out during the Easter holidays or ban on the gathering of people who do not share the same household.⁵⁷ They are mainly helped to comply with these measures by low-threshold shelters (which operate in a restricted mode and adhere to strict hygiene measures), as well as the "quarantine facilities" where those suspected to have COVID-19 or positively tested are placed, or in the quarantine facilities especially made for the elderly⁵⁸ or homeless families⁵⁹. It is mostly local governments and non-profit organizations that help to implement the government measures.⁶⁰

The city of Bratislava opened a "quarantine town" for homeless people. The city of Bratislava is also preparing a crisis location that would accommodate homeless people in case that one of the shelters in Bratislava ceases to function.⁶¹ Quarantine facilities and quarantine towns have also been established in other regional and district cities (Nové Zámky, Nitra, Trnava, Košice, Prešov, etc.).⁶²

⁵⁴ Slovakia, Office of the Government plenipotentiary for Roma Communities (*Úrad splnomocnenca vlády SR pre rómske komunity*) (2020) 'Splnomocnenkyňa pre rómske komunity považuje zásah voči maloletým v Krompachoch za neprimeraný', 29 April 2020, available at:

https://www.minv.sk/?spravy_rk&sprava=splnomocnenkyňa-vlády-sr-pre-romske-komunity-andrea-buckova-povazuje-policajny-zasah-proti-maloletym-v-krompachoch-za-neprimerany&fbclid=IwAR35SbAPFlzqbXgsDDecmpOBKtd1um01OMqL9n7YWVCje5wqVfnkQzH_gls

⁵⁵ Slovakia, Office of the Ombudsperson (*Úrad verejnej ochrankyne práv*) (2020) 'Incident v Krompachoch je neakceptovateľný', public statement available at: <https://www.vop.gov.sk/incident-v-krompachoch-je-neprijate-n>

⁵⁶ Organizations working with homeless people (2020), 'Bývanie je najvyššou ochranou v čase pandémie aj pre ľudí bez domova', Press release, 14 April 2020, available at: <https://www.notabene.sk/?aktuality&novinka=3688>

⁵⁷ TA3 (2020), 'Ľudia bez domova nie sú schopní dodržiavať opatrenia', 12 April 2020, available at:

<https://www.ta3.com/clanok/1180798/ludia-bez-domova-nie-su-schopni-dodrziavat-opatrenia.html>

⁵⁸ TA3 (2020), 'Ľudia bez domova nie sú schopní dodržiavať opatrenia', 12 April 2020, available at:

<https://www.ta3.com/clanok/1180798/ludia-bez-domova-nie-su-schopni-dodrziavat-opatrenia.html>

⁵⁹ Ogurčáková, J. (2020), 'Na východe vznikli tri karanténne priestory', *Korzář Košice*, 2 April 2020, available at: <https://kosice.korzar.sme.sk/c/22374463/na-vychode-vznikli-tri-karantenne-priestory.html>

⁶⁰ TA3 (2020), 'Testovať sa budú aj bezdomovci, vláda schválila ďalšie opatrenia', 9 April 2020, available at: <https://www.ta3.com/clanok/1180592/testovat-sa-budu-aj-bezdomovci-vlada-schvalila-dalsie-opatrenia.html>

⁶¹ Dnes 24 Bratislava (2020), 'Riešenie pre nakazených ľudí bez domova: V Bratislave otvorili karanténne mestečko', 16 April 2020, available at <https://bratislava.dnes24.sk/bratislava-otvorila-karantenne-mestecko-pre-ludi-bez-domova-na-zlatych-pieskoch-359377>

⁶² Ogurčáková, J. (2020), 'Na východe vznikli tri karanténne priestory', *SME*, 2 April 2020, available at: <https://kosice.korzar.sme.sk/c/22374463/na-vychode-vznikli-tri-karantenne-priestory.html>

On 9 April, the government approved screening testing of homeless people. Trnava was the first city in Slovakia to launch the field testing of homeless people for the coronavirus.⁶³ In the coming weeks, the testing should continue in other cities in Slovakia.

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

Mobile application against the spread of coronavirus

During the reporting period, a mobile application has been developed to inform users of the spread of coronavirus in their environment. The application called Covid-19 Stay healthy (*Covid-19 Zostaň zdravý*) started in mid-March as Stay healthy application developed by a private initiative to notify users if there are people with confirmed infections in their vicinity⁶⁴. The application is owned by the National health information centre (public authority) and has been already downloaded by 10 000+ users.⁶⁵ So far, mainly media has brought information on the app, an official report on its usage and efficiency has not been published by public authorities or other actors.

Covid-19 Stay healthy is a tracing application that can be used in two ways. First, the application will alert the users that they may have been in contact with an infected person. For this purpose, the app uses GPS and Bluetooth sensors. If a user met a person also using the app at any time within a previous 14-day period, and that person then tests positive for the virus, the user's phone will pick up an alert about the positive test. Second, the application can be used to check whether people are adhering to quarantine. When used, the app will automatically send a reminder to remain in quarantine if the users breach the conditions of their quarantine by leaving their home since they are obliged to stay at their place of permanent residence (or at a place they marked to stay during the quarantine). It has also a function of the facial recognition feature⁶⁶. To map and record the contacts of users, the application uses the Bluetooth technology that enables to record meetings of other devices using the application that last longer than 5 minutes. The application does not record the data on localization, just those on meetings other devices. It also does not work with the name of the user or his/her other personal data. The user receives a unique code when starting to use the application after downloading it. However, the data recorded are centralized at the National health information centre and owned by the National health authority. There has been a contract concluded between these two public authorities on the use of recorded data⁶⁷. The IT expert and former leader of political party PS-SPOLU Michal Truban criticized the Slovak public authorities for keeping the data centralized at the National

⁶³ Kičínová, D. (2020), 'Trnava dala testovať bezdomovcov, výsledky majú negatívne', *SME*, 18 April 2020, available at <https://mytrnava.sme.sk/c/22386020/trnava-dala-testovat-bezdomovcov-vysledky-maju-negativne.html>

⁶⁴ Pravda Daily (2020), 'Slovenská aplikácia vás upozorní, ak ste v blízkosti človeka nakazeného vírusom', 18 March 2020, available at: <https://vat.pravda.sk/komunikacia/clanok/545872-slovenska-aplikacia-vas-upozorni-ak-ste-v-blizkosti-cloveka-nakazeneho-koronavirusom/>

⁶⁵ Information available at: https://play.google.com/store/apps/details?id=sk.nczi.covid19&hl=en_US

⁶⁶ Slovak Spectator (2020), 'Slovak company develops a tracing app to help in Covid-19 battle', 17 April 2020, available at: <https://spectator.sme.sk/c/22385254/smart-solutions-to-deal-with-coronavirus.html>

⁶⁷ Zive.aktuality.sk (2020), 'Ako funguje slovenská aplikácia proti koronavírusu a aké dáta zbiera?', 24 April 2020, available at: <https://zive.aktuality.sk/clanok/146605/ako-funguje-slovenska-aplikacia-proti-koronavirusu-a-ake-data-zbiera/>

health information centre. In his opinion, Slovakia should adopt the principle of decentralization when recording the data as the international community of IT experts advise⁶⁸.

The app has also further functionalities like it informs on the number of Covid-19 cases in a broader area, on the number of positively tested, cured people, and the number of deaths caused by coronavirus. User can also find information about how to protect themselves, recognize symptoms and shows essential emergency numbers. More detailed information on the app is available (in English) at the official website created to inform on coronavirus⁶⁹.

The application has been donated to the state by its developers – private company Sygic and Zostan zdravy initiative who developed the application as an association of volunteers⁷⁰. According to the official website intended to inform on the coronavirus is the code of the app open so that it can be widely used⁷¹. It is expected that officially the application is going to be used by the National health information centre (state authority for the area of collection of data on health)⁷². However, the state authorities have not confirmed yet whether they will use the application to avoid the spread of coronavirus⁷³.

Project of intelligent quarantine

A project of so-called intelligent quarantine has been announced by the Government⁷⁴. The project shall be based on massive testing and tracing of contacts of persons tested positive on coronavirus by using the application Covid-19 Zostan zdravy (mentioned above) or based on data from mobile network operators who will provide National Health Authority with a map of the movement of persons tested positive for the last two weeks⁷⁵. In March, an amendment to the legislation was approved to enable Public Health Authority to use selected data from mobile network operators (please see subsection 2.2.). The tracing application Covid-19 Stay healthy was prepared during April, however, by the end of April, very few technical details on the intelligent quarantine have been presented by respective public authorities. The tracing application also has not started to be used so far. During the first week of May, it was announced by the Government that the tracking of persons with Covid-19

⁶⁸ Truban, Michal, Facebook post from 9 May 2020, available at:

<https://www.facebook.com/miso.truban/photos/a.148054525992022/678797626251040/?type=3&theater>

⁶⁹ Slovakia, Official website on Covid-19 in Slovakia, available at: <https://www.old.korona.gov.sk/en/COVID19-ZostanZdravy.php>

⁷⁰ Slovakia, Official website on Covid-19 in Slovakia, available at: <https://www.old.korona.gov.sk/en/COVID19-ZostanZdravy.php>

⁷¹ Slovakia, Official website on Covid-19 in Slovakia, available at: <https://www.old.korona.gov.sk/en/COVID19-ZostanZdravy.php>

⁷² Zive.aktuality.sk (2020), 'Oficiálnu slovenskú "koronaapku" by mohli spustiť už tento týždeň', 14 April 2020, available at: <https://zive.aktuality.sk/clanok/146363/oficialnu-slovensku-koronappku-by-mohli-spustit-uz-tento-tyzden/>

⁷³ Zive.aktuality.sk (2020), 'Slovenská koronaapka je hotová, ľudia v karanténe môže kontrolovať snímaním tváre', 6 April 2020, available at: <https://zive.aktuality.sk/clanok/146257/slovenska-koronappka-je-hotova-ludi-v-karantene-moze-kontrolovat-snimanim-tvare/>, zive.aktuality.sk (2020), 'Štátna apka proti koronavírusu sa dá stiahnuť, zatiaľ nefunguje úplne', 17 April 2020, available at: <https://zive.aktuality.sk/clanok/146423/statnu-appku-proti-koronavirusu-si-uz-je-mozne-stiahnut-zatial-nefunguje-uplne/>

⁷⁴ Hospodárske noviny (2020), 'Inteligentná karanténa je už skoro hotová. Jej zavedeniu bráni osoba blízka Kočnerovi', 15 April 2020, available at: <https://slovensko.hnonline.sk/2131519-inteligentna-karantena-je-uz-skoro-hotova-jej-zavedeniu-brani-osoba-blizka-kocnerovi>

⁷⁵ Sme daily (2020), 'Sledovanie ľudí cez mobily je tesne pred spustením. Úrady doladujú posledné detaily', 8 May 2020, available at: <https://domov.sme.sk/c/22400257/sledovanie-cez-mobily-pre-koronavirus-chce-stat-predstavit-buduci-tyzden-co-chysta.html>

(and those tested positive for coronavirus) was shortly before launching. However, information on the technical details of the solution has been still very scarce⁷⁶.

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

On 24 March, the Government approved an amendment of the Act on electronic communications⁷⁷ to be able to use localisation data from mobile network operators⁷⁸. The Government passed the amendment and submitted it to the Parliament under the accelerated legislation procedure⁷⁹. According to the amended provisions of the Act on electronic communications, the data that is subject of telecommunication secrecy may be made available to the Public Health Authority at the time of emergency in the health services for the purpose of their collection, processing and preservation to the extent which is necessary for the identification of natural persons in order to protect life and health. Such data may be collected, processed and retained by the Public Health Authority for the duration of emergency until 31 December 2020 at the latest⁸⁰. The government amendment was criticised during the parliamentary debate (and by journalists, law experts, etc.) for requiring more data from mobile network operators than necessary⁸¹. After the discussion in Parliament, the amendment has been significantly softened so that a smaller amount of data will be provided by mobile network operators to Public Health Authority⁸². That means that the data which is subject of

⁷⁶ Sme daily (2020), 'Sledovanie ľudí cez mobily je tesne pred spustením. Úrady doladujú posledné detaily', 8 May 2020, available at: <https://domov.sme.sk/c/22400257/sledovanie-cez-mobily-pre-koronavirus-chce-stat-predstavit-buduci-tyzden-co-chysta.html>

⁷⁷ Slovakia, the Act no. 351/2011 Coll on electronic communications as amended (*Zákon č. 351/2011 Z.z. o elektronických komunikáciach v znení neskorších predpisov*).

⁷⁸ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Návrh zákona o niektorých mimoriadnych opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby Covid-19 a v justícii a ktorým sa menia a dopĺňajú niektoré zákony (The proposal of the Act on certain emergency measures in relation to the spread of dangerous contagious human disease Covid-19 and in the judiciary and amending certain laws), approved by the Government on 24 March 2020, available at: <https://rokovania.gov.sk/RVL/Material/24643/1>

⁷⁹ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Návrh na skrátené legislatívne konanie o vládnom návrhu zákona o niektorých mimoriadnych opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby Covid-19 a v justícii a ktorým sa menia a dopĺňajú niektoré zákony, approved by the Government on 24 March 2020, available at: <https://rokovania.gov.sk/RVL/Material/24644/1>

⁸⁰ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Návrh zákona o niektorých mimoriadnych opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby Covid-19 a v justícii a ktorým sa menia a dopĺňajú niektoré zákony (The proposal of the Act on certain emergency measures in relation to the spread of dangerous contagious human disease Covid-19 and in the judiciary and amending certain laws), approved by the Government on 24 March 2020, available at: <https://rokovania.gov.sk/RVL/Material/24643/1>

⁸¹ Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*), Rozprava k návrhu zákona o niektorých opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby Covid-19 a v justícii, ktorým sa menia a dopĺňajú niektoré zákony z 25. Marca 2020, available at: <https://www.nrsr.sk/web/default.aspx?sid=schodne/rozprava>; Slovak Spectator (2020), 'What kind of data the Slovak Government wants to collect on people', 24 March 2020, available at:

<https://spectator.sme.sk/c/22367339/what-kind-of-data-the-slovak-government-wants-to-collect-on-people.html>; Denník N (2020), 'Naozaj potrebujeme na boj s koronavírusom telekomunikačných operátorov? Ak áno, tak opatrne', 25 March 2020, available at: <https://dennikn.sk/1820544/naozaj-potrebujeme-na-boj-s-koronavirusom-telekomunikacnych-operatorov-ak-ano-tak-opatrne/?ref=in>

⁸² Slovakia, National Council of the Slovak Republic (*Národná rada SR*) (2020), Vládny návrh zákona o niektorých opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby Covid-19 a v justícii,

telecommunication secrecy may be processed in anonymised form for the purpose of statistics, then also when it is necessary to inform specific categories of population on measures adopted in order to protect health and life (f.e. persons coming from abroad) and also when the identification of individuals is needed for the purpose of protection of their health and life. These data may be collected and processed only until 31. December 2020⁸³.

An association of IT companies Slovensko.digital published a statement on the amendment of the Act on electronic communications according which Slovensko.digital welcomes the changes introduced to the law since it is needed to use modern technologies to tackle the spread of coronavirus. According to Slovensko.digital the purpose of the law is not to surveil people, but to help to find contacts of persons tested positive for the coronavirus. In order to protect the privacy of people living in Slovakia, Slovensko.digital suggests that the Government takes action to inform on the use of data in a transparent way, that means that the Government shall inform regularly on the use of new provisions of the law, present also which data will be collected and who are persons concerned, and present detail technical documentation related to the used software⁸⁴.

In the middle of April, the opposition party SMER sent a submission to the Constitutional Court questioning some of the new provisions of the Act on electronic communications mainly those on the usage of data from mobile network operators. The Constitutional Court has not decided on the submission within the reported period⁸⁵. According to the submission, the new provisions of the Act on electronic communications violate several national and international laws – several provisions of the Constitution of the Slovak Republic (Article 13, para 4; Article 16, para 1; Article 19, para 2, etc. – on the protection of privacy, on the protection against unauthorized interference with private and family life, on the protection against unauthorized collection, disclosure or other misuse of personal data, etc.), Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 7, Article 8, Article 52 of the European Charter of Fundamental Rights. According to the submission, the authors of the amendment did not consistently justify the need to adopt such invasive legislation, they only mechanically describe the goal it pursues by adopting the law - to enable the

ktorým sa menia a dopĺňajú niektoré zákony (Government act on certain measures in relation to the spread of dangerous contagious human disease Covid-19 and in the judiciary amending certain laws), approved by the National Council on 25 March 2020, available at:

<https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisObdobia=8&CPT=29>; Slovak Spectator (2020), 'Green light for government to collect data from mobile phones to halt the virus', 26 March 2020, available at: <https://spectator.sme.sk/c/22368365/green-light-for-government-to-collect-data-from-mobile-phones-to-halt-the-virus.html>; FB post of Adam Valček, journalist of SME Daily from 27 March 2020, available at: <https://www.facebook.com/adamvalcek/posts/10215249952233669>

⁸³ Slovakia, National Council of the Slovak Republic (*Národná rada SR*) (2020), Vládny návrh zákona o niektorých opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby Covid-19 a v justícii, ktorým sa menia a dopĺňajú niektoré zákony (Government act on certain measures in relation to the spread of dangerous contagious human disease Covid-19 and in the judiciary amending certain laws), approved by the National Council on 25 March 2020, Section IV, Article 63, para. 18 – 20, available at:

<https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisObdobia=8&CPT=29>

⁸⁴ Slovensko.digital, 'Vyhlásenie Slovensko.digital k plánu využiť údaje mobilných operátorov pri riešení krízového stavu šírenia koronavírusu' Press release from 25 March 2020, available at:

<https://slovensko.digital/pre-media>

⁸⁵ Slovakia, Constitutional Court of the Slovak Republic (*Ústavný súd SR*) (2020), Podanie zo dňa 14.4.2020, evidenčné číslo spisu 768/2020.

Public Health Authority to acquire, collect, process and store data in connection with the spread of a pandemic⁸⁶.

Within the reported period, there was no more detailed information available on the use of data from mobile network operators under the new provisions of law (adopted by the Parliament on 25 March). It is not known whether the operators provide data to public institutions, how are the data used and processed to tackle the widespread of coronavirus. The Government and other respective public authorities have not presented technical solutions under the new provisions of law⁸⁷.

2.3 Privacy and data protection concerns and possible solutions

The National health information centre published statistics on persons tested positive for coronavirus. The data were anonymous but contained very detail information like information on gender, age and street where those persons live. In the case of smaller towns or villages, individual persons could be easily identified. Once published, the information was broadly shared on social media and transformed into a map. Later, the National health information centre disabled access of the public to the data. Nowadays, the data is available only to public institutions like municipal offices on demand⁸⁸.

The Office for the protection of personal data (data protection authority) initiated control of this case at the National health information centre⁸⁹. The control has not been finished yet.

2.4 Any other privacy and data protection concerns

No other privacy and data protection concerns have been identified. The Office for the protection of personal data confirmed that they have not recorded cases of violation of the right to the protection of privacy and personal data. The control of publishing data by the National health information centre (mentioned in 2.3) has not been finished yet⁹⁰.

⁸⁶ Slovakia, Constitutional Court of the Slovak Republic (*Ústavný súd SR*) (2020), Podanie zo dňa 14. 4. 2020, evidenčné číslo spisu 768/2020, available at: <https://www.ustavnysud.sk/vyhľadavanie-podani#!DmsSearchView>, pp. 11 – 13.

⁸⁷ SME Daily, Klik podcast from 28 March 2020, available at: <https://tech.sme.sk/c/22370065/koronavirus-a-ochrana-sukromia-co-znamena-novy-zakon.html>, mojandroid.sk (2020), 'Ako štát nakladá s údajmi od mobilných operátorov', 15 April 2020, available at: <https://www.mojandroid.sk/koronavirus-udaje-od-operatorov/>

⁸⁸ Zive.aktuality.sk (2020), 'Na webe boli ulice a presný vek pacientov s koronavírusom. Štát chybu odmieta, ale stiahol ich', 30 March 2020, available at: <https://zive.aktuality.sk/clanok/146149/na-webe-boli-ulice-a-presny-vek-pacientov-s-koronavirusom-stat-odmieta-chybu-ale-stiahol-ich/>; Slovak Spectator (2020), 'Matovič on the coronavirus map: the atmosphere does not favour more detailed data', 6 April 2020, available at: <https://spectator.sme.sk/c/22374458/pm-matovic-defends-leaked-map-about-coronavirus-patients-in-slovakia.html>

⁸⁹ Zive.aktuality.sk (2020), 'Úrad na ochranu osobných údajov začal kontrolu NCZI pre data o nakazených', 3 April 2020, available at: <https://zive.aktuality.sk/clanok/146223/urad-na-ochranu-osobnych-udajov-zacal-kontrolu-nczi-pre-data-o-nakazenych/>

⁹⁰ Information provided by the Office for the protection of personal data on 30 April 2020 via e-mail communication.