

The Office of the Information and Privacy Commissioner (OIPC) is a statutory Office of the House of Assembly. OIPC provides independent oversight of NL's privacy and access laws, including the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* and the *Personal Health Information Act (PHIA)*.

This document explains how NL's vaccine passport program and the Special Measures Orders (SMOs) work together with these laws. [SMO 22](#) requires individuals seeking to enter certain facilities to show their proof of vaccination against COVID-19. To facilitate this, the government is giving vaccinated individuals their proof of vaccination in the form of their own unique Quick Response (QR) code. Think of it like a driver's license, or any other piece of government-issued ID, and **protect it accordingly**.

### **1. What is the legal authority for the vaccine passport?**

NL's privacy laws authorize the collection of personal information in several circumstances including if it is required by law. The [SMOs](#), in this case, are made under the [Public Health Protection and Promotion Act](#) and they have the force of law.

### **2. My vaccine passport is on my smartphone. Should I restrict access to my phone by requiring a passcode to unlock it?**

The OIPC strongly recommends you restrict access to your smartphone. If you don't, then anyone who picks it up can scan your Card – and see everything else on your smartphone.

### **3. Are organizations entitled to ask me for my vaccine status for entry and do I have to provide it?**

Yes, organizations subject to the Orders must ask, and you must provide, your proof of vaccination for entry in accordance with the Orders. The Order also requires that individuals provide a proof of identity.

### **4. Is there more information in the QR Code than what organizations see when they scan it using the NL Vax Verify app?**

Yes. The QR code contains your full name, your date of birth, and vaccination details (the date you received your vaccine(s), what types of vaccine(s) you received, the lot number of the vaccine(s), and the province in which you received each dose). However, the NL Vax Verify app is designed to reveal **only** your name and vaccine status. Under the Orders, organizations are **not** permitted to use any other app that could disclose all of the information on the Card; if they do, you can complain to our Office and/or [Environmental Health Officers with Digital Government and Service NL](#). The reason the QR code contains information beyond your name and vaccine status is to facilitate its future use for such matters as international travel.

### **5. Can an organization record my status so I do not need to show proof next time I visit?**

Yes, **but** only if you agree to them creating such a record; it is best practice for the organization to document that they have received your consent. They are not allowed to take a picture or a copy of your vaccine record though, or save an electronic version of it, even if you consent.

### **6. Does the government keep a record of when, where, or how many times I have shown my QR code?**

No. The NL Vax Verify app checks for a public key against the embedded digital signature to verify that the QR code is authentic, but the government does not keep a log or otherwise record who, when, where, or how many times someone uses a QR code.

### **7. I don't think I should be forced to disclose my vaccine status; can I submit a privacy complaint?**

It is the law that for specified activities you must show your QR code or other proof of vaccination. In our review of the SMO, it is compliant with *ATIPPA, 2015* and *PHIA* and so the collections, uses and disclosures described by the SMO are lawful. If you don't believe that the government *should* be doing this at all, this is something that you could raise with a Minister, a government department, or your Member of the House of Assembly.

If, however, you believe your information is being collected in a way that is not in accordance with the Orders, it is Environmental Health Officers with the Department of Digital Government and Service NL that monitor the implementation of the vaccination record verification program, and are available to respond to public complaints about particular businesses or organizations. They can be reached through [government service centres](#). OIPC is able to take privacy complaints related to the Vaccine Passport initiative, however depending on the nature of the complaint, we may conclude they fall under enforcement of the SMO and are therefore more appropriate for the Department to address.

### **8. I want to post my vaccine record online to show everyone that I am vaccinated. Is that okay?**

You really shouldn't do it. Although *ATIPPA, 2015* and *PHIA* do not prevent private individuals from doing what they want with their own information, keep in mind your proof of vaccination discloses things about you. You wouldn't normally publicize your driver's license or Social Insurance Number. Treat your proof of vaccination the same way. Our Office strongly advises against posting your proof of vaccination online or sharing it with others in order to protect your personal privacy. If you post or share your proof of vaccination, then anyone who has it can see everything that is on it, so it is best to keep it in a safe place.

*These guidelines are for information purposes only and do not constitute a decision or finding by the Office of the Information and Privacy Commissioner of Newfoundland and Labrador. These guidelines do not affect the powers, duties, or functions of the Information and Privacy Commissioner regarding any complaint, investigation, or other matter under ATIPPA, 2015 or PHIA.*

*OIPC NL would like to recognize OIPC BC, who developed the original [FAQ](#) upon which this resource is based.*