



*If a Federal health officer requires a shop owner to provide the paper register's personal information of it's patrons, which will be uploaded to the national COVIDSafe database, then you have waived your ability to decline consenting to uploading your personal information to the national database. The Act does not stipulate "electronic communication device". Paper records will be uploaded to the national database if a Health Department official requests it.*

## Privacy Act 1988

<https://www.legislation.gov.au/Details/C2014C00076>

### 94H Requiring the use of COVIDSafe

- (1) **A person commits an offence if the person requires another person to:**
- download COVIDSafe to a communication device; or
  - have COVIDSafe in operation on a communication device; or
  - consent to uploading COVID app data from a communication device to the National COVIDSafe Data Store.**

Penalty: Imprisonment for 5 years or 300 penalty units, or both.

- (2) **A person commits an offence if the person:**
- refuses to enter into, or continue, a contract or arrangement with another person (including a contract of employment); or
  - takes adverse action (within the meaning of the Fair Work Act 2009) against another person; or
  - refuses to allow another person to enter:
    - premises that are otherwise accessible to the public; or
    - premises that the other person has a right to enter; or
  - refuses to allow another person to participate in an activity; or
  - refuses to receive goods or services from another person, or insists on providing less monetary consideration for the goods or services; or
  - refuses to provide goods or services to another person, or insists on receiving more monetary consideration for the goods or services; on the ground that, or on grounds that include the ground that, the other person:**
    - has not downloaded COVIDSafe to a communication device; or
    - does not have COVIDSafe in operation on a communication device; or
    - has not consented to uploading COVID app data from a communication device to the National COVIDSafe Data Store.**

Penalty: Imprisonment for 5 years or 300 penalty units, or both.

- (3) To avoid doubt:
- subsection (2) is a workplace law for the purposes of the Fair Work Act 2009; and
  - the benefit that the other person derives because of an obligation of the person under subsection (2) is a workplace right within the meaning of Part 3-1 of that Act.