

Can we ask non-employee visitors to take temperature tests at the entrance of our facilities?

Updated as of March 6, 2020:

Given the current outbreak, privacy laws in the US and EU generally do not prevent businesses from asking visitors to take temperature tests in order to decide whether to grant entry. However, it is important to structure the tests narrowly to accomplish the business' legitimate business objective. For example, businesses may want to consider:

- Providing a prominent disclosure regarding testing procedures and allow individuals to choose to leave rather than be tested;
- Avoiding collection or retention of the specific temperatures; if the individual passes the screen, the temperature would not be recorded; and
- Recording a specific temperature only in the case of a denied access and only for as long as you would reasonably expect any queries or complaints, and maintaining the information securely to protect it against unauthorized access.