



## **NHS Test and Trace service Maintaining Records of Staff, Customers and Visitor Logs Frequently asked questions**

*Correct as of 02/07/2020*

*The NHS Test and Trace service undergoes continuous improvement and can change as circumstances change. We are being guided by the science and we will make changes to the guidance when they are needed and as we learn best practices.*

*We welcome views on the guidance. If there are specific points you want to raise about the NHS Test and Trace service, please send them to:*

[TTDHSCexternalaffairs@dhsc.gov.uk](mailto:TTDHSCexternalaffairs@dhsc.gov.uk)

*Please note: the guidance and Q&A is for England only.*

### **Context**

NHS Test and Trace is a key part of the country's on-going COVID-19 response. If we can rapidly detect people who have recently come into close contact with a new COVID-19 case, we can take swift action to minimise transmission of the virus. This is important as lockdown measures are eased and will help us return to a more normal way of life and reduce the risk of needing local lockdowns in future.

There is a higher risk of transmitting COVID-19 in some sectors. This is because customers and visitors will spend a longer time on these premises than in other surroundings and potentially come into close contact with other people outside of their household. To help us control the virus, these sectors should collect details and maintain records of staff, customers and visitors to their premises, in a way that is manageable for their organisation.

We need you to help us manage the risk of easing lockdown measures by logging the staff, customers and other visitors at your premises. By maintaining records of staff, customers and visitors, and sharing these with NHS Test and Trace when requested, you can help us identify people who may have been exposed to the virus. Containing outbreaks early is crucial to reduce the spread of COVID-19, protect the NHS and social care sector, and save lives. This will help to avoid the reintroduction of lockdown measures and support the country to return to, and maintain, a more normal way of life.

You can play a significant role in helping your staff, customers and visitors understand the importance of NHS Test and Trace and play their part in stopping the spread of COVID-19. Please do this by explaining why you are asking for contact information and encouraging them to provide it.

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## General

### **Why do we need to collect data of staff, customers and visitors?**

COVID-19 is a highly contagious disease. Across the world, major clusters of the virus have developed, thereby creating multiple chains of infection and rapidly increasing the transmission of COVID-19. The longer it takes to break down and stop the chains of transmission, the higher the risk of people contracting COVID-19.

With more parts of society and the economy opening, we need measures in place to address local outbreaks quickly. By collecting details and maintaining records of staff, customers and visitors to your premises, you will enable NHS Test and Trace to take follow-up action if there has been a COVID-19 outbreak. Outbreaks must be identified and managed early to avoid a reintroduction of social and economic lockdown measures.

### **What do we have to do?**

You should keep a temporary record of your staff, customers and visitors for 21 days, in a way that is manageable for your establishment. If possible, this information should be recorded digitally, but you can make a record on paper if not. You should collect staff, customer and visitor information in a way that is manageable for your establishment, as you will need to provide this information to the NHS Test and Trace service if it is requested.

To support NHS Test and Trace, you should hold records for 21 days. This reflects the incubation period for COVID-19 (which can be up to 14 days) and an additional seven days to allow time for testing and tracing. After 21 days, this information should be securely disposed of or deleted. When deleting or disposing of data, you must do so in a way that does not risk unintended access (e.g., shredding paper documents and ensuring permanent deletion of electronic files).

Records which are made and kept for other business purposes do not need to be disposed of after 21 days. The requirement to dispose of the data relates to a record that is created solely for the purpose of NHS Test and Trace. All collected data, however, must comply with the General Data Protection Regulation (GDPR) and should not be kept for longer than is necessary.

### **What information do I have to collect?**

Staff

- The names of staff who work at the premises.



- A contact phone number for each member of staff.
- The dates and times that staff are at work.

#### Customers and visitors

- The name of the customer or visitor. If there is more than one person, then you can record the name of the 'lead member' of the group and the number of people in the group.
- A contact phone number for each customer or visitor, or for the lead member of a group of people.
- Date of visit and arrival and, where possible, departure time.
- If a customer will interact with only one member of staff (e.g. a hairdresser), the name of the assigned staff member should be recorded alongside the name of the customer

If you have a large booking, for example, at a restaurant, you only need to collect the name and contact phone number of the lead member of the party.

Recording both arrival and departure times (or estimated departure times) will help reduce the number of customers or staff needing to be contacted by NHS Test and Trace. We recognise, however, that recording departure times will not always be practicable.

No additional data should be collected for this purpose.

#### **How should I collect the data?**

Many organisations that routinely take bookings already have systems for recording their customers and visitors – including restaurants, hotels, and hair salons. Due to the COVID-19 outbreak, more organisations are planning to implement an 'advanced booking only' service to manage the numbers of people on the premises. These booking systems can serve as the source of the information that you need to collect.

If not collected in advance, this information should be collected at the point that visitors enter the premises, or at the point of service if impractical to do so at the entrance. It should be recorded digitally if possible, but a paper record is acceptable too.

You should collect this information in a way that is manageable for your establishment. If you have a large booking, for example, at a restaurant, you only need to collect the name and phone number of the lead member of the party, and the number of people in it.

#### **Which sectors have to collect the details of staff, customers and visitors?**

Establishments in the following sectors, whether indoor or outdoor settings or mobile venues, including events that take place on these premises, should collect details and maintain records of staff, customers and visitors:

- hospitality, including pubs, bars, restaurants and cafés
- tourism and leisure, including hotels, museums, cinemas, zoos and theme parks
- close contact services, including hairdressers, and others as defined [here](#)



- facilities provided by local authorities, including town halls and civic centres (for events), libraries and children's centres
- places of worship, including use for events and other community activities

## **What are the criteria for these places to have to collect data?**

This guidance applies to any establishment that provides an on-site service and to any events that take place on its premises. It does not apply where services are taken off-site immediately, for example, a food or drink outlet which only provides takeaways. If a business offers a mixture of a sit-in and takeaway service, contact information only needs to be collected for customers who are dining in.

This guidance does not apply to drop-off deliveries made by suppliers or contractors.

## **Part or all of my business is outside, does it apply to outdoor settings as well?**

Yes, this applies to indoor and outdoor venues.

## **Why is retail/other sectors not within the scope of this guidance?**

There is a higher risk of transmitting COVID-19 in premises where customers and visitors spend a longer time in one place and potentially come into sustained, close contact with other people outside of their household. The sectors where this is most likely to happen are the sectors which are in scope.

## **Is it mandatory for organisations in scope to do this?**

Organisations should collect this information to support the NHS Test and Trace service and help to protect their local communities. It is not a legal requirement; however, following the easing of social and economic restrictions, everyone must play their part to minimise the transmission of COVID-19. This will reduce the need to reintroduce local lockdown measures, protect people against the virus and help to save lives.

## **What should we be doing in the first instance?**

You should first assess whether your establishment already has a system in place that could be used for recording the information that has been requested. If not, you may wish to implement a system that can capture this information (and help to manage the number of people on your premises). If information cannot be recorded electronically, a paper record is acceptable. As you are storing the personal data of your staff and customers, you will need to be GDPR-compliant and this [guidance](#) will inform your preparations.



We recognise that you may need to adapt and refine your approach over time, and we will continue to engage with you in the coming days and weeks to support you to implement these arrangements.

### **Is there a minimum capacity size of venue where the data would need to be collected?**

No, any establishment from the sectors within scope should collect this data, regardless of how large or small the venue is.

### **Do I need to collect the information if I have social distancing measures in place so no one will be within 2 metres of another person?**

Yes, if you run an establishment in any of the sectors within scope, you will need to collect this information. This is regardless of any social distancing measures that you have put in place.

### **Are other countries doing this?**

Yes, for example:

- in Germany, pre-booked appointments for bars and restaurants are mandated or recommended, depending on the state. Similar approaches are used in Australia, the UAE, France, Italy and some parts of the US.
- some countries have implemented digital solutions to assist with collecting customer information. For example, the New Zealand government has asked businesses to post QR codes on posters for customers to scan with their smartphones to create a 'digital diary'. This then allows individuals to receive a notification if the relevant location/time are associated with a suspected cluster of transmission.
- Singapore required businesses to offer a QR code on a poster in order to reopen following lockdown measures.
- South Korea has implemented mandatory QR code scanning to access certain businesses.

### **What support will organisations be given to take this work forward?**

We want to ensure that this is as straightforward as possible for you. You will have the freedom to collect this data in a way that best suits you, either using an existing system or finding a simple solution that works for you. This will vary from sector to sector, and you will need to make sure you are GDPR-compliant, but we will support you and issue guidance to help you to implement this. Once this is underway, we will continue to engage and work with you to consider what additional support or guidance that you may need.

### **What and when will further guidance be available?**



Department  
of Health &  
Social Care



## Test and Trace

Test and Trace policy continues to be developed with stakeholders, and continued engagement will remain a key aspect of the programme as we continue to minimise the threat of COVID-19. Online guidance will be updated to reflect any changes which will provide you with the latest information.



## Collecting the Data

### **What format does the data need to be recorded in?**

Ideally, the information should be collected digitally so there is a record that can be shared securely online. This will be easy for some organisations who already collect this data in a digital format. For other organisations who do not collect this data already, we want to help you to implement a system that does not place additional burdens on you. If you don't have the capability to collect this information in a digital format, then paper-based records will be accepted. NHS Test and Trace will work with you to obtain the necessary records should they be required.

### **Are there any systems you suggest we should use to collect the data?**

You have the freedom to collect this data in a way that best suits you, e.g., using an existing system or finding a solution that would work for you. We do not want to be prescriptive as there is not a 'one size fits all' solution but as this is personal data, you must keep it securely.

### **If I am collecting details on paper, where should these be kept?**

You should keep this data safe and secure, as you would keep any other personal data. You will need to ensure that you are compliant with GDPR, which requires you to take appropriate security measures to protect the records that you keep.

### **How long does this data have to be stored for?**

To support NHS Test and Trace, you should hold records for 21 days. This reflects the incubation period for COVID-19 (which can be up to 14 days) and an additional seven days to allow time for testing and tracing.

### **What should I do with the data?**

The data that we are asking you to collect is personal data and must be handled in accordance with GDPR to protect the privacy of your staff, customers and visitors.

You should hold the records for 21 days, and after 21 days, this information should be securely disposed of or deleted. You must do this in a way that does not risk unintended access (e.g., shredding paper documents and ensuring permanent deletion of electronic files).

Records which are made and kept for other business purposes do not need to be disposed of after 21 days. The requirement to dispose of the data relates to a record that is created solely for the purpose of NHS Test and Trace. However, all collected data, must comply with GDPR and should not be kept for longer than is necessary.



If requested by NHS Test and Trace you should share the requested information as soon as possible to help us identify people who may have been in contact with the virus and help minimise the onward spread of COVID-19.

### **Can I use the data for other things e.g. for mailing lists?**

No. Personal data that is collected for NHS Test and Trace, which you would not collect in your usual course of business, must not be used for other purposes, including marketing, profiling, analysis or other purposes unrelated to contact tracing. This would be considered a misuse of information. Under Privacy and Electronic Communications Regulations, organisations would often require specific consent for electronic marketing

### **When will NHS Test and Trace ask for the data?**

NHS Test and Trace will ask for these records only where it is necessary, either because someone who has tested positive for COVID-19 has listed your premises as a place they visited recently, or because your premises has been identified as the location of a potential local outbreak of COVID-19.

### **What if the data given to me by customers is false? Should we be verifying their name with ID?**

The accuracy of the information will be the responsibility of the individual who provides it; organisations do not have to verify an individual's identity for NHS Test and Trace purposes.

### **Do I have to ask for details of everyone regardless of age? E.g., what if young teenagers visit without any adults.**

Yes, you will still need to collect details for everyone regardless of their age, unless they are part of a group in which case you can take a lead person's details.

### **Do I have to note where people go on the premises?**

If you already collect this data or it is easy to do so (e.g., table settings in a restaurant), then please do so. However, if this is not practical, then you do not need to.



## **Can I require staff to share their contact details?**

Whether you can require staff details to be shared with NHS Test and Trace depends on the terms of the contract of employment.

## **Should customers/visitors be turned away if they refuse to provide their contact details?**

Although this is voluntary, please encourage customers and visitors to share their details in order to support NHS Test and Trace. You can advise them that this information will only be used if it is necessary – either because someone who has tested positive for COVID-19 has listed your premises as a place they visited recently, or because your premises have been identified as the location of a potential local outbreak of COVID-19. Collecting contact details will help to minimise the transmission of COVID-19 and avoid the need to introduce local lockdown measures.

If a customer or visitor does not want their details shared, you should not share any of their information used for booking purposes with NHS Test and Trace.

## **Is this discriminatory against certain customers and visitors?**

The process is voluntary so customers/visitors can choose not to participate. However, we ask that you encourage them to do so in order to support NHS Test and Trace and advise them that this information will only be used where necessary to help stop the spread of COVID-19. We are only asking for a name and contact telephone number, which most customers/visitors should be able to provide; if they cannot, then you could ask what information they can provide that would enable NHS Test and Trace to get in touch should they need to.

## **What about contractors/visitors (e.g., someone pops in to deliver food to my pub etc) – do I need to keep their details too?**

If you have contractors and visitors on site, then you should record their contact details. However, you do not need to record contact information of people spending a short amount of time on the premises (e.g., a supplier or contractor who is making a delivery). If the visitor will spend longer on site, then their details should be captured.

Similarly, this does not apply where services are taken off-site immediately, for example, a food or drink outlet which only provides takeaways.



## Being GDPR compliant

### **What are the GDPR implications?**

GDPR allows you to request contact information from your staff, customers and visitors and share it with NHS Test and Trace to help minimise the transmission of COVID-19 and support public health and safety. It is not necessary to seek consent from each person, but you should make clear why the information is being collected and what you intend to do with it.

If you already collect this information for ordinary business purposes, you should make staff, customers and visitors aware that their contact information may now also be shared with NHS Test and Trace. You could do this with the attached privacy notice template. You may need to offer some people additional support in accessing or understanding this information, for example, if they have a visual impairment or cannot read English.

Personal data that is collected for NHS Test and Trace, which you would not collect in your usual course of business, must be used only to share with NHS Test and Trace. It must not be used for other purposes, including marketing, profiling, analysis or other purposes unrelated to contact tracing. You must not misuse the data in a way that is misleading or could cause an unjustified negative impact on people e.g. to discriminate against groups of individuals.

### **Do I need to have the consent of customers/visitors?**

While consent is not always required, we recommend that consent is sought in sensitive settings such as places of worship and for any group meetings organised by political parties, trade unions, campaign or rights groups, other philosophical/religious groups or health support groups. This is because of the potentially sensitive nature of the data collected in these circumstances.

You must ensure that individuals are able to exercise their [data protection rights](#), such as the right of erasure or the right to rectification (where applicable).

### **How should I keep the data safe?**

Appropriate technical and security measures must be in place to protect customer contact information, and the [ICO has produced guidance](#) on this. These measures will vary depending on how organisations choose to hold this information, including whether it is collected in hard copy or electronically. We would prefer you to record and protect information electronically, but we understand this might not be possible.

You should adhere to the following guidelines:

- Do not use an open access sign-in book where customer details are visible to everyone.
- Keep any paper records in a safe place, with measures to prevent malicious access (e.g. a locked door/in a safe/CCTV);
- Make sure staff understand what they should and shouldn't do with customer information;



- Consider which members of staff need access to the logs; limit access to those staff;
- Do not store customer logs in an accessible, unsecured file;
- Check your approach to cyber security – the ICO has published [outline guidance](#) and the National Cyber Security Centre’s [guidance for small businesses](#) is a good place to start;
- When deleting or disposing of logs after 21 days, do so in a way that is not at risk of unintended access (e.g. shredding paper documents as opposed to disposing in public refuse bins, and ensuring permanent deletion of electronic files);
- Make staff aware that it is an offence to obtain or disclose customer or visitor information, without the consent of that person

### **If I lose the customer data or I’m hacked, will I be penalised?**

You are required to comply with GDPR when collecting any information, and you should take account of data protection legislation when recording the details of staff, customers and visitors.

The Information Commissioner’s Office has issued guidance on its regulatory approach during the coronavirus public health emergency. It will act in the public interest by applying a risk-based, proportionate response that takes account of the context and any sensible steps that an organisation has taken to mitigate risks.

### **What happens if a member of staff discloses information about who was present at the venue following contact from NHS Test & Trace?**

You should take all possible steps to ensure that staff understand that the data you are collecting is confidential and should only be shared with NHS Test and Trace. Consider which staff need access to the logs and limit access to these staff members. You should also consider whether specific training can be provided to staff who have access to the logs to ensure they manage the data correctly.

If you think that data has been disclosed inappropriately, you should [visit the ICO website](#) for further advice on what to do next.



## Providing information to NHS Test and Trace

### **What happens if someone who has tested positive visited one of our sites?**

NHS Test and Trace would need to decide on a case-by-case basis what follow-up action to take. Depending on the circumstances and the length of time that has elapsed, this could include arranging for people to be tested, asking them to take extra care with social distancing and/or – in some circumstances – asking them to self-isolate.

### **If I'm contacted by the NHS Test and Trace service, what does this mean for my staff that were working at the same time as me?**

NHS Test and Trace will provide advice to you and your staff, if this occurs.

### **Will I have to close my venue if I'm contacted?**

No – if you receive a request for information from NHS Test and Trace, this does not mean that you must close. NHS Test and Trace will undertake an assessment and work with you to understand what actions need to be taken, which will be dependent on the specific circumstances. NHS Test and Trace will give you public health support and guidance should this be necessary.

### **How will the data be handled by NHS Test and Trace?**

NHS Test and Trace will handle all data according to the highest ethical and security standards and ensure it is used only for the purposes of protecting public health, including minimising the transmission of COVID-19.

### **If I am contacted by the NHS Test and Trace service to provide details, how can I ensure that they are legitimate and are not fraudsters?**

NHS Test and Trace will use text messages, email or phone to contact individuals. All texts or emails will ask you to sign into the [NHS test and trace contact-tracing website](#). If NHS test and trace calls you by phone, the service will use a single phone number: 0300 013 5000.

All information you provide to the NHS test and trace service is held in strict confidence and will only be kept and used in line with the Data Protection Act 2018.

Contact tracers will:

- call you from 0300 013 5000
- send you text messages from 'NHStracing'
- ask you to sign into the [NHS test and trace contact-tracing website](#)



Contact tracers will never:

- ask you to dial a premium rate number to speak to them (for example, those starting 09 or 087)
- ask you to make any form of payment or purchase a product or any kind
- ask for any details about your bank account
- ask for your social media identities or login details, or those of your contacts
- ask you for any passwords or PINs, or ask you to set up any passwords or PINs over the phone
- disclose any of your personal or medical information to your contacts
- ask about protected characteristics that are irrelevant to the needs of Test & Trace
- provide medical advice on the treatment of any potential coronavirus symptoms
- ask you to download any software to your PC or ask you to hand over control of your PC, smartphone or tablet to anyone else
- ask you to access any website that does not belong to the government or NHS

**Would contact tracers/ PHE/ local authority ever visit my venue to obtain the information or make assessments?**

Yes, this could be possible if NHS Test and Trace needs to obtain records of customers/visitors or staff or to make the necessary public health assessments by visiting the premises.



## Technological Solutions

### **Will we move to a QR code style of capturing details in England?**

Further work is being undertaken on the design and implementation of a potential QR code approach in the UK, as is already the case in New Zealand, Singapore and other countries, and this will be shared in due course.

The QR approach should complement, rather than replace, the expectation that organisations collect customer/visitor information themselves, as we cannot rely on all customers/visitors having smartphones and using them on a consistently reliable basis. For instance, if a QR code system was introduced, organisations could be expected to ask customers/visitors to scan the QR code if they have a smartphone and have installed the app but would still be expected to collect contact information from other customers.

### **If the QR code approach was to come to fruition, when would this likely be?**

Implementing successful technological solutions to support the economy reopening is one of our top priorities. We are looking at the options for this very closely and we will share any information on this as soon as we can.

### **Would collecting customers' data be irrelevant/stopped when the app comes in?**

Once an app is launched, it will not replace the data collection but would work in parallel with it. Maintaining records is important for those that do not have smartphones.