

Test and Protect

Multi-sector guidance on collection of customer and visitor contact details – April 2021 Update

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Supporting Test and Protect - Guidance on Collection of Customer and Visitor Details

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1. Overview – Supporting the National Effort

This guidance is a tool to support customer and visitor data gathering for businesses and other establishments in Scotland where the nature of the premises means there may be an increased risk of transmission of COVID-19 due to a higher degree of interaction between unknown individuals. It sets out how to collect individual contact details in a safe and secure manner which is compliant with data protection legislation, to assist NHS Scotland in responding to outbreaks of COVID-19. It sets out key actions and information around the collection of customer and visitor data as restrictions relating to the COVID-19 pandemic are eased. This guidance came into effect from **15 July 2020**. From this date, premises within the sectors listed below were advised to gather minimal contact details from customers to support NHS Scotland's Test and Protect service. This measure forms part of the national effort to suppress COVID-19, and supports the country to return to a more normal way of life.

Update

The timetable for planned phased reopening of sectors includes a substantial reopening of many settings from 26 April 2021.

The Scottish Government has updated this guidance, in advance of reopenings during Spring 2021, to request the collection of the name and contact details for every visitor to premises, to create consistency across the range of settings where this is requested or mandated in Scotland, and at the same time ensure that relevant data is captured to assist the Test and Protect contact tracing service.

Test and Protect – Introduction

Test and Protect was launched across Scotland on 28 May 2020 (an [updated Testing Strategy](#) was published on 17 March 2021 following the [update to Scotland's Strategic Framework](#) on 23 February 2021) and aims to prevent the spread of coronavirus in the community by:

- identifying cases of coronavirus through testing
- tracing the people who may have become infected by spending time in close contact with them
- supporting those close contacts to self-isolate, so that if they have the disease they are less likely transmit it to others

The gathering of contact information from customers or visitors by premises, in a secure and safe manner, assists NHS Scotland's Test and Protect service to identify and contact individuals who may have been exposed to the virus, and request them to take appropriate steps to prevent the potential onward spread of the virus. This could involve asking individuals to self-isolate for 10 days. The data is helpful to the NHS and key local partners to manage and contain location-specific outbreaks.

Containing outbreaks early is crucial to reduce the spread of COVID-19, protect the NHS and save lives, and avoid the reintroduction of social and economic lockdown. This supports the country to return to, and maintain, a more normal way of life.

Maintaining Customer and Visitor Records

As progress is made in suppressing the virus, restrictions on different sectors are being eased. However, this can only take place with appropriate measures in place to prevent the number of cases rising again. In order to support NHS Scotland's Test and Protect service, once premises return to welcoming customers and visitors, it is necessary for settings to gather contact information from members of the public and staff, and provide this data to public health when asked.

We strongly recommend that settings collect the details of all visitors to premises and not just the lead adult of a household. If premises offer a mixture of an on-site and collection service, contact information only needs to be collected for customers who remain on-site.

You can play a significant role in helping your staff, customers and visitors to understand the value of NHS Scotland's Test and Protect service, and the importance of playing their part to identify people who may have been in contact with the virus. Please do this by explaining why you are asking for contact information and encouraging them to provide it. You should also display a notice on your premises or on your website. We have provided a template to help you to do this, though please be aware that some people may need additional support in accessing or understanding this information.

In addition to maintaining and sharing records where requested, you must also continue to follow other government guidance to minimise the transmission of COVID-19. This includes maintaining a safe working environment and following physical distancing guidelines. More information on this can be found in sectoral guidance, available on the Scottish Government website.

Collecting contact details is voluntary, but it is important that both premises and individuals cooperate, as it is crucial to national efforts to suppress the virus. This guidance forms part of measures enabling premises and those working in other people's homes to open safely, minimising the risk of the number of infections increasing, and reducing the risk of requiring future restrictions.

Check In Scotland App

In December 2020, we launched the free [Check In Scotland app](#). Visitors to venues are able to download the app from Google Play and the Apple App Store. Both the Check In Scotland online form and the app have been carefully designed to give visitors a choice in the way they submit contact details, and data is kept securely, in line with the requirements set out within this guidance. As well as providing choice, the app service also allows for offline use if visitors cannot connect to the internet. Each individual visitor to a premises should submit their contact details. We would strongly encourage settings to consider implementing the Check In Scotland digital solution to enable straightforward compliance with the measures required by this guidance.

Reopening of settings

We have already been able to initiate some careful but significant easing of restrictions, and will continue to do so subject to the data permitting.

Indicative dates are set out in the Strategic Framework Update [section: timetable for easing restrictions](#).

This guidance sets out the contact information that premises have to gather, and how they should go about this, in order to make it possible to reopen while continuing to suppress the virus.

Application of the Guidance

This guidance applies to any establishment or operator in sectors that provide an on-site service or work in other people's homes to deliver a service. This includes, but is not limited to:

- Tourism and leisure, including theme parks, museums and cinemas
- Close contact services, including hairdressers, barbers, beauticians, tattooists, sports and massage therapists, dress fitters, tailors and fashion designers
- Facilities provided by local authorities, such as libraries, leisure centres and registration offices
- Cremation authorities, burial authorities, places of worship or funeral director service rooms offering funeral services
- Places of worship which are reopening for congregational services and communal prayer or contemplation.

It does not, however, apply where services are taken off-site immediately, for example, a library operating a click-and-collect service. If premises offer a mixture of an on-site and collection service, contact information only needs to be collected for customers who remain on-site.

Guidance specific to the hospitality sector, where collecting the contact details of visitors to premises is mandatory, can be found at [Collecting customer contact details](#).

2. Registration with the Information Commissioner's Office

In order to gather and store customer information securely, establishments may need to be registered with the Information Commissioner's Office (ICO). This will be the case if you are using an electronic system to gather and store data.

To establish if you need to register your organisation with the ICO please complete the [registration self-assessment](#)

If your business is already a data controller, you should already be registered with the ICO. A data controller can be any organisation or sole trader who processes personal information such as CCTV, staff or customer details.

However, if you are using an electronic system to store customer data and not already a data controller, or have not already registered as one, you may need to register with the ICO. If you are unsure whether you need to register, please contact the ICO via their helpline on **0303 123 1113**, or visit [the Information Commissioner's Office](#)

The cost of the data protection fee depends on the size and turnover of the business, but for most businesses it will cost £40 or £60. The form will take around 15 minutes to complete. This can be completed online at the [Data Commissioner's Office](#) site.

3. Lawful Basis for Data Collection

It will be important to ensure that data is collected and handled in line with data protection laws. To help you make sure you are compliant with data protection regulations, the Scottish Government has published a template Privacy Notice, setting out the terms of how data should be gathered, stored, used and disposed of. The privacy notice is how your business or organisation will demonstrate compliance with Article 13 of the General Data Protection Regulation (GDPR) that sets out what information needs to be provided when data are collected from the data subject (e.g. customers, visitors, staff).

The privacy notice can be viewed online and should also be downloaded and made available in each establishment so that members of the public providing details are informed as to what will happen with their data.

The privacy notice sets out the purpose for which the data is being collected, what data is being collected, the lawful basis for doing so, how long the data will be retained, what rights customers have over this data and how to complain to the establishment and the ICO if there is a concern.

As a controller, each business or organisation will be using the GDPR lawful basis of 'Legitimate Interest'. This is a balanced lawful basis that has minimal impact on the customer or visitor and they have the right to object and to have their data erased.

Establishments should respect that choice if it is made. Where an individual is not willing to provide their data, it is a decision for the business or organisation whether to make services available to that individual or to refuse entry or a booking.

The Privacy Notice can be viewed in the [Supporting Files section](#).

For more information on GDPR and how to access GDPR training, please visit www.ico.org.uk.

4. Secure Collection, Storage and Disposal of Data

Premises covered by this guidance will need to gather minimum contact details for all customers and visitors to support Test and Protect.

Information to Collect

The following information should be collected by the premises, where possible:

Staff and volunteers

- The names of staff and volunteers who work at the premises
- A contact phone number for each member of staff and volunteer
- The dates and times that staff and volunteers are at work

For larger establishments, and where possible, it is also helpful to keep a record of which areas staff or volunteers work in within the premises.

Customers and visitors

- The name of each customer or visitor
- A contact phone number for each individual
- Date of visit and arrival and, where possible, departure time

If a customer does not have a telephone number, premises may give people the option to provide:

- A postal address
- An email address

How to collect data

Contact data will need to be collected by premises for each customer or visitor, upon their arrival, or for certain events, it may be helpful to share a list of known attendees with a host establishment in advance, e.g. an attendee list for a wedding reception or funeral.

Many establishments that take bookings already have systems for recording contact information – e.g. hairdressers, theatres, local authority services – which can serve as the source of the information above. Where applicable, this could include taking bookings online or over the phone. If a premise uses an existing booking or ticketing

system to collect data for the purposes of this guidance, establishments should be mindful that existing privacy notices may require updating.

If not collected in advance, this information should be collected at the point that customers enter the premises. Customers and visitors will need to be informed of the need to provide information upon their arrival. The resources below include a poster that can be put up in an establishment to alert customers to this need, and copies of the Privacy Notice should be displayed to inform people of how their information will be used and protected.

Information should be recorded digitally if possible, but a paper record is acceptable too. Writing contact details in a book or register and destroying these safely when the 21 day retention period is over is acceptable so long as the register is kept out of public sight and stored securely. Similarly, digital records must be securely deleted at the end of the 21 day retention period. Staff need to be identified and appropriately trained for this. To minimise the risk of virus transmission during this process, any written information should be noted by a designated member of staff and not by each individual visitor/customer or group.

The ability to record departure times where possible, as well as arrival time (including staff shift times) is important to reduce the number of customers/visitors/staff needing to be contacted (and potentially asked to self-isolate) by NHS Scotland's Test and Protect service, although it is acknowledged that in certain circumstances this may be more difficult.

If someone does not wish to share their details

When individuals share their contact details for this purpose, it will support NHS Scotland's Test and Protect service to control the spread of the virus and therefore we are asking that people continue to play their part. You should encourage the individual to share their details in order to support NHS Test and Protect and advise them that this will only be used in the event of an outbreak or if a number of new cases are tracked back to the premises. Their information will then be used to inform them if they may have been exposed to a positive case or cases.

If the individual still does not want to share their details but wishes to proceed with a booking and/or use your service, you should make a note not to share this if you still need to collect their details for booking purposes. If you do not need their details for booking purposes, then simply do not collect their details. It is also within the rights of individuals to request to access the data held on them, or to request that it is deleted or corrected. In those circumstances, premises should comply with such requests.

There is no legal requirement that individuals provide their data for NHS Test and Protect purposes, so if you want to continue to offer your services to customers or visitors that do not choose to provide their information, then you can do so. Establishments are also equally entitled to refuse to allow a member of public onto their premises if they do not share their contact details for the benefit of Test and Protect. Employers should make clear to their employees the approach that they wish them to take in these circumstances.

How to store data securely

Once contact details have been gathered either electronically or physically, the business will be the data controller. The data must not be shared with individuals or organisations other than those specified in the privacy notice. All contact data should be stored somewhere secure. Establishments should use the data to directly contact visitors, customers or staff, even in the event of a known outbreak within premises.

You should hold records for **21 days** from the date of each separate visit of a staff member/customer/visitor. This will ensure full cover of the typical incubation period and additional time during which people may be infectious whether after symptom onset or not to allow for testing and contact tracing.

Following this, data will no longer be required to be held by the premises and must be disposed of securely.

If data is shared with NHS Scotland on the basis of individuals being identified as at risk of having been exposed to COVID-19, NHS Scotland may need to retain the data for longer than the 21 day period and will hold the data in line with NHS information governance processes. NHS Scotland may also need to share information with other local and statutory delivery partners as part of responding and containing the virus, such as Local Authority Environmental Health Departments. More information about the [NHS Scotland information governance](#) arrangements is available online.

How to dispose of data

After 21 days, data must be disposed of.

If you are using a paper register then pages can be removed daily after the retention period is over and destroyed through secure shredding or other destructive process. Where IT systems are used, establishments will need to ensure that data collected for Test and Protect and other epidemiological purposes are not retained beyond the stated period and do not become part of a wider marketing or other resource.

5. How the data will be used

Information will principally be shared with NHS Scotland to carry out contact tracing as part of the Test and Protect service and for epidemiological purposes linked to infectious disease control, and will not be available to the Scottish Government. In certain circumstances, NHS Scotland may share the data with key delivery partners.

The contact tracing service uses the information provided by a business or organisation, relevant to a positive case's whereabouts during the infectious period, to inform the process of identifying close contacts where this is a risk of infection. There is no circumstance in which establishments should use the data to directly contact visitors, customers or staff, even in the event of a known outbreak within premises. Health protection teams will decide on a case-by-case basis on 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. In doing so, the intention is that the risk of onward spread of the virus will be greatly reduced, enabling as many people and businesses as possible to continue operating safely. However, the option to close the premises temporarily remains for the Health Protection Team to determine, depending on the risk assessment of the situation.

When information should be shared

If cases of COVID-19 are detected that have a link to specific premises, NHS Scotland may contact the establishment by phone to request staff and customers' details to allow contact tracing to take place. It is essential that settings comply with a request to provide contact details, to facilitate effective contact tracing.

The NHS Test and Protect service has a number of mechanisms in place to reassure people contact tracers are legitimate, including call back options, visible numbers, and specific location and date information. Test and Protect delivery partners, such as local authority Environmental Health Officers, may also contact the establishment to request the data when undertaking their statutory duties, e.g. investigating a localised outbreak.

Establishments must share the information of staff/customers/visitors with NHS Scotland as soon as possible, if asked to do so.

Contact tracers will NEVER:

- Ask you to dial a premium rate number to speak to them.
- Ask you to make any form of payment, including a charitable donation.
- Ask for any details about your medical history that are unrelated to COVID-19
- 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 passwords or PINs, or ask you to set up any passwords or PINs on the phone.
- Ask you to purchase a product or attempt to sell you anything.
- Ask you to download any software to your device or ask you to hand over control of your PC, smartphone or tablet.

NHS Scotland will ask for contact detail data only where it is necessary, either because someone who has tested positive for COVID-19 has listed a premises as a place they visited during the infectious period of the illness, or because a premises has been identified as the location of a potential local outbreak of COVID-19. Establishments should not share this information with anyone else.

6. Useful tools and resources to help businesses

The following resources can be used by premises to make members of the public aware of their duty to provide contact details, and to make them aware of how their data will be used.

You can download the *Poster and Privacy Notice* in the [Supporting Files section](#)

Establishments and premises should also consider taking independent advice on their legal obligations should they wish to do so.



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