

# Q&A

## What do we have to do?

Venues in hospitality, the tourism and leisure industry, close contact services and local authority facilities must:

- Ask at least one member of every party of customers or visitors (up to 6 people) to provide their name and contact details.
- Keep a record of all staff working on their premises and shift times on a given day and their contact details.
- Keep these records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested.
- Display an official NHS QR code poster from 24 September 2020, so that customers and visitors can 'check in' using this option as an alternative to providing their contact details.
- Adhere to General Data Protection Regulations.

Hospitality venues must also refuse entry to those who refuse to participate.

Failure to do any of these requirements will result in fixed penalty fines.

## Why do we need to do this?

- Having a more open economy is reliant on having measures in place to minimise transmission of the virus and keep the public safe. In the event of someone who has visited your premises testing positive, the records of staff, customers and visitors you are maintaining may be requested by NHS Test and Trace or local public health officials. This will help them to identify people who may have been exposed to the virus and allow us to provide the necessary public health advice.
- Containing outbreaks early is crucial to reduce the spread of COVID-19, protect the NHS and social care sector, and save lives. This requirement is necessary to ensure that businesses and local services are able to remain open and will help to avoid the reintroduction of lockdown measures.

## Is it mandatory for businesses and organisations to do this?

- Yes, it is mandatory for designated venues to do this. Any organisation in scope that is found not to be compliant with these regulations will be subject to penalties. It is vital that relevant venues comply with these regulations to help keep people safe, and to keep businesses open.

## How do I know if I'm a designated venue?

Establishments in the following sectors must request contact details from staff, customers and visitors, and display an official NHS QR code poster:

- hospitality, including pubs, bars, restaurants and cafés
- tourism and leisure, including hotels, museums, cinemas and amusement arcades
- close contact services, including hairdressers, and others as defined here
- facilities provided by local authorities, including community centres, libraries and village halls

Places of worship, including use for events and other community activities, are still strongly encouraged to maintain staff, customer and visitor logs and to display an official NHS QR code poster. Consent should still be sought from individuals entering your establishment.

If you are unsure whether your organisation falls in scope of these sectors you can review Annex A for a full list.

## What if visitors refuse to give their contact details or check in via the app?

- Hospitality venues must refuse entry to a customer or visitor who does not provide their name and contact details, is not in a group of up to 6 (for which one other member has provided name and contact details), or who has not scanned the NHS QR code.
- Venues in other settings do not need to refuse entry but should encourage customers and visitors to share their details or scan the official NHS QR poster 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.
- In the rare case that a customer or visitor becomes unruly, you should follow your own security procedures. This may include calling the police if you feel the individual poses a risk to yourself or others.

## How do we collect their details?

- For App users, you can promote using the NHS QR code as a simple, quick and easy way to check in to a venue.
- However, use of the App is voluntary and individuals should be allowed to leave their contact details if they prefer or if they do not have the App. You should not stipulate that they must use the QR code.
- If some members of the party choose to use the QR code, but others do not, you will need to ensure at least one person (the 'lead member') leaves their contact details and the number of people in their group (maximum 6).
- If the whole group chooses to check in using the QR code, then the venue does not take the name or contact details of any member of the group.

## What information do we have to collect?

Venues must ask every customer and visitor for the following details (unless they have 'checked in' using the NHS COVID-19 app):

- 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 (of up to 6 people) and the number of people in that group
- a contact phone number for each customer or visitor, or for the lead member of a group of people. If a phone number is not available, you should ask for their email address instead, or if neither are available, the postal address
- date of visit, arrival time and, where possible, departure time
- the name of the assigned staff member, if a customer or visitor will interact with only one member of staff (e.g. a hairdresser). This should be recorded alongside the name of the customer or visitor.

No additional data should be collected for this purpose.

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 and this is not required by law.

All designated venues must also keep a record of all staff working on the premises on a given day, the time of their shift, and their contact details. This covers anyone providing a service or activity including volunteers.

## How can I be sure that someone has checked in using the QR code?

Venues will be asked to look at the individual's phone screen to verify that they have checked in. This is not necessary if a lead member of the group has provided their contact details.

## What if a person provides false details? Do we need to do ID checks?

The accuracy of the information provided will be the responsibility of the individual who provides it. You do not have to verify an individual's identity for NHS Test and Trace purposes, and we advise against doing so except where organisations have a reasonable suspicion that customer or visitor details are incorrect.

## In addition to displaying a QR code, how should we collect the data for non-app users?

- 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 have, or 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. Customers or visitors can still scan the official NHS QR code if they wish, to help remind them where they have been if asked by NHS Test and Trace.
- You should collect this information in a way that is manageable for your establishment. If not collected in advance, this information should be collected at the point that visitors enter the premises. It should be recorded electronically if possible, for example through an online booking system, but a paper record is acceptable. If you are keeping a paper record, this should be out of public sight and stored securely. You must ensure that there are options for people to leave their contact details if they do not own a smartphone.

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

- This requirement 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 could be asked for at the counter, rather than the point of entry, when servers can more easily ask the customer whether they are dining in or taking away.

## Are there any people who are exempt from having to give their details or scan in with the QR code?

- You do not need to ask for contact details or check scanning of the NHS QR code if the person is a police officer or emergency responder on duty.
- You do not need to ask for contact details for people whose visit is for the sole purpose of making a delivery or collection by supplies or contractors, including food or physical goods.
- You do not need to ask for contact details for those under the age of 16. If an individual says they are under the age of 16, you should not ask for identification unless you judge this to be false.
- If someone does not have the mental capacity to provide their contact details, hospitality venues should not refuse entry (where they are normally required to do so). Businesses will not be in breach of the requirements if they have reason to believe someone can’t provide the details for disability reasons and don’t ask for them as a result.
- If someone is homeless and is unable to provide a contact number or email address, and you are a hospitality venue, you should not refuse them entry.

## Can I make people just use the QR code instead of leaving contact details?

- No, use of the NHS Covid-19 app is voluntary and you cannot require that anyone download it. You must offer both the option of using the NHS QR code and another system for leaving contact details if they do not have the app.

## I'm a hospitality venue. What if some of the group scan the QR codes and the others don't?

- If some of the group scan the QR code, you will just need to make sure you take at least one person's contact details to act as the lead member and the number in the group (including those who scanned the QR codes). If there is no one in the group that is willing to provide their details, all those who have not scanned the QR code must be refused entry.

## I'm a hospitality venue. If one person has already booked online and given their contact details, do I need to check that they or others in their group are scanning the QR code?

- There is no need to check that individuals have scanned the QR code if you already have contact details for the lead member of the group.

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

- Yes, this applies to indoor and outdoor venues.

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

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

## Do we need to collect the information if we have social distancing measures in place so that no one will be within two 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.

## Why are retail/ other sectors not within 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.

## What happens if this information is not collected and retained?

- Collecting contact details and maintaining records for NHS Test and Trace is a legal requirement and failure to comply is punishable by a fine. The first fixed penalty is £1000, the second is £2000, the third is £3000, and any further penalty notice thereafter is £4000. The person responsible for the organisation is liable. This could be the owner, proprietor or manager with overall responsibility of the organisation, business or service.

## What format does contact detail data need to be recorded in?

- You should collect this information in a way that is manageable for your establishment. If not collected in advance, this information should be collected at the point that visitors enter the premises. It should be recorded electronically if possible, for example through an online booking system, but a paper record is acceptable. If you are keeping a paper record, this should be out of public sight and stored securely. You must ensure that there are options for people to leave their contact details if they do not own a smartphone.

## How quickly will we be expected to give the data to NHS Test and Trace if it is requested from us?

- You must work with NHS Test and Trace to securely transfer the data as soon as possible.

## If we are 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 the data have to be stored for?

- You must hold these records for 21 days, after which they must be deleted. 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 we do with the data?

- The data which you collect is personal data and must be handled in accordance with the General Data Protection Regulation (GDPR) to protect the privacy of your staff, customers and visitors. The Information Commissioner's Office (ICO) has published [detailed guidance](#) on how you can ensure you are GDPR compliant.
- You should hold the records for 21 days and securely dispose of them or delete them after 21 days. 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 must share the requested information as soon as possible to help identify people who may have been in contact with the virus and help minimise the onward spread of COVID-19.

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

- 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, or you will be in breach of GDPR. You should make your staff aware of what they should and shouldn't do with customer information. 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. The ICO may issue penalties against businesses in breach of GDPR.

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

- NHS Test and Trace or local public health officers will ask for these records only where it is necessary, for example if your premises has been identified as the location of a potential COVID-19 outbreak.

## Do we have to note where people go on our 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.

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

- You do not need to ask for contact details or scanning of your NHS QR code if the visit is for the sole purpose of making a delivery or collection by supplies or contractors, including food or physical goods.

What should we do if a customer approaches us directly to tell us they've tested positive?

- If a customer tells you they have tested positive for coronavirus, you should tell them to self-isolate as soon as possible and to share information about their contacts with NHS Test and Trace when asked to do so.
- You should not use the log of customer details you have collected to contact other customers yourself. If NHS Test and Trace or a local public health official consider it necessary, they will contact you to provide advice and to obtain the details of anyone who may have been exposed to the virus. You should share your log of customer details with NHS Test and Trace as soon as possible when asked to do so.

In a hospitality setting, what if someone is homeless and unable to provide contact details, do I need to turn them away?

- You should ask for their contact details as they may be able to provide a phone number or email address.
- If they are unable to provide any details, you should allow them to enter as this is permitted in the regulations.

Do I need to take contact details of customers who are just coming in to buy a product, e.g. visiting a tanning salon to get a bottle of tan, or a hairdresser to buy shampoo?

- If your customer is coming solely to collect a pre-ordered product, there is no need to ask for their contact details. However, if your customer spends any time in a setting in scope for other reasons, you will need to ask them to provide their contact details.
- If the customer refuses to leave their details, they may still enter and use the premises.

What if my venue has lots of entrances which makes it difficult to collect details at the point of entry?

- You will need to ensure that you have a system that meets the legal requirements which may mean adapting the way that customers and visitors circulate in your premises.

## Is a café in a factory/ workplace in scope?

- Yes, a workplace café or canteen must collect the details of customers, visitors and staff, and display an NHS QR code in order to comply with their legal requirement.

## What about food courts?

- Some venues may have communal or open plan dining areas such as food courts. In this situation, the responsibility lies with the legal owner, but the owner could arrange for the individual outlets to fulfil the requirements on behalf of the owner if all parties agree.

## What about motorway service stations?

- If a motorway service station only has takeaway outlets, these are not in scope of the requirements. If there is a food court space, however, the owners are responsible for ensuring they ask for visitor contact details and displaying NHS QR codes. As for other food courts, the individual outlets could fulfil these requirements on behalf of the owner if all parties agree.

## If I have not set this up by 18 September will I be fined?

- You should take steps to introduce customer and visitor logs straight away. Regulators will, however, seek to be proportionate, and local authorities will first educate, explain and encourage before looking to penalise.

## **Annex A – full list of settings in scope**

### Hospitality

- restaurants, including restaurants and dining rooms in hotels or members' clubs,
- cafes, including workplace canteens,
- bars, including bars in hotels or members' clubs,
- public houses.

### Leisure and tourism

- amusement arcades,
- art fairs,
- betting and bingo halls,
- casinos,

- clubs providing team sporting activities,
- facilities for use by elite and professional sportspeople (including sports stadia),
- heritage locations and attractions open to the public (including castles, stately homes and other historic houses),
- hotels and other guest accommodation provided on a commercial basis, including in Bed & breakfast accommodation, boats, campsites, caravans, chalets, guest houses, holiday parks, hostels, motels, pubs, sleeper trains and yurts,
- indoor sport and leisure centres,
- outdoor swimming pools and lidos
- museums and galleries,
- music recording studios open for public hire or other public use,
- public libraries.

#### Close contact services

- barbers,
- beauticians (including those providing cosmetic, aesthetic and wellness treatments),
- dress fitters, tailors and fashion designers,
- hairdressers,
- nail bars and salons,
- skin and body piercing services,
- sports and massage therapists,
- tattooists.

#### Local authority run services

- community centres,
- youth and community centres,
- village halls.