



## Post-coronavirus start-up guidance: Collecting customer data - commercial premises

Most commercial premises outside of those providing essential services will have been closed since the Covid-19 restrictions came into force on 23rd March. Planning to resume operations for the first time in weeks since the Covid-19 restrictions or opening more fully if your business has been partially closed, can be challenging. Careful planning is necessary to resume activities and rebuild services in a controlled and safe manner.

You should clearly promote to your customers and employees what your new Covid-19 arrangements are; this will instil confidence in your ability to operate safely - ask for feedback frequently and update policies and procedures as required. Remember to communicate any changes to customers and staff, including any additional training that may be required as a result.

Due to the diversity of premises that the public enter, each establishment will need to be individually risk-assessed to establish specific needs. The guidance given below is taken from the government guidance “Maintaining records of staff, customers & visitors to support Test & Trace” and covers some of the main areas to consider.

**These guidelines do not override any existing policy conditions.**

**The fact that a business is deemed essential or is permitted to operate does not mean its legal obligations are in any way relaxed or reduced. Indeed, in the present climate the duties owed to employees and others are enhanced. All activities must only be undertaken in line with the current guidance issued by HM Government.**

All applicable health & safety legislation and regulations remain fully in force, including but not limited to:

- Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- Workplace (Health, Safety & Welfare) Regulations 1992
- Fire Safety Regulatory Reform Order 2005
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)

First and foremost, customer and employee safety are paramount.



# Coronavirus Response

## Risk management measures

**Activities** – It is important that a review of your working activities is undertaken before restarting any work as this will form part of your Covid-19 Compliance risk assessment. You must carry out a suitable and sufficient risk assessment. This means looking at working areas and activities to enable your employees to successfully distance themselves from their customers and colleagues; and likewise to ensure that customers are safely distanced from each other. It may not be appropriate to carry out certain activities as you normally would and / or you may need to consider supplying PPE equipment to certain employees. Please see the latest Government and HSE advice for updates on appropriate precautions.

**Please remember that if some activities cannot be carried out safely, they should not be undertaken at all.**

## Recording of customer data and the NHS Test and Trace App. / Test and Protect (Scotland)

As part of reopening the premises listed below, the Government has stated that you should keep a record of persons visiting your premises so that they can be traced in the event of a localised Covid-19 outbreak.

- Hospitality, including pubs, bars, restaurants and cafés.
- Tourism and leisure, including hotels, museums, cinemas, zoos and theme parks and [close contact services](#), including hairdressers, barbershops and tailors.
- Facilities provided by local authorities, including town halls and civic centres for events, community centres, libraries and children's centres.
- Places of worship, including use for events and other community activities.

You must reinduct all your employees to ensure that they understand new restrictions, new rules and the reason to collect and retain customer data.

- By maintaining **records of staff**, customers and visitors, and sharing these with NHS Test and Trace / Test and Protect (Scotland) **where requested**, you can help to identify people who may have been exposed to the virus.
- This guidance applies to **any establishment that provides an onsite service and to any events that take place on its premises**.
- **It does not apply where services are taken offsite 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.



# Coronavirus Response

## Information to collect

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

### Staff

- The names and contact details of staff who work at the premises. (You should already have this info for payroll purposes.) However, you need to consider and ensure that it is recorded for temporary and agency staff.
- A contact phone number for each member of staff.
- The dates and times that staff are at work (Shift Rota).

### 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, arrival time and, where possible, departure time.
- If a customer will interact with only one member of staff, the name of the assigned staff member should be recorded alongside the name of the customer.

**No additional data should be collected for this purpose.**







# Coronavirus Response

If you routinely take bookings and already have systems for recording customers and visitor's details you may already have an 'advanced booking only' service in order to manage the numbers of people on the premises. These booking systems can potentially serve as the source of the information that you need to collect.

**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, or at the point of service, if it is not possible to do so at the entrance. It should can be recorded digitally, but a paper record is acceptable too.

**N.B.** 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 / Test and Protect (Scotland). **(Particularly, if taxis and or public 3rd party transport is utilized for getting to and from the venue.)** However, recording departure times during busy periods will not always be practicable.

## Non-sharing of customer information

Collecting of customer data is entirely voluntary, but you should encourage your customers and visitors to share their details in order to support NHS Test and Trace / Test and Protect (Scotland) and advise them that this information will only be used where necessary to help stop the spread of Covid-19.

**If a customer or visitor informs you that they do not want their details shared for the purposes of NHS Test and Trace / Test and Protect (Scotland), they can choose to opt out, and if they do so you should not share their information used for booking purposes with NHS Test and Trace / Test and Protect (Scotland).**

**If a customer chooses to opt out, you have the right to refuse them admission to your premises.**

**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 / Test and Protect (Scotland) purposes.**

## How you should maintain records:

To support NHS Test and Trace / Test and Protect (Scotland), **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 7 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).



# Coronavirus Response

## Data Protection Act 2018 and General Data Protection Regulation

The data that you are collecting is personal data and must be handled in accordance with the Data Protection Act 2018 and the General Data Protection Regulation to protect the privacy of your staff, customers and visitors.

GDPR allows you to request contact information from your staff, customers and visitors and share it with NHS Test and Trace / Test and Protect (Scotland) to help minimize 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.**

Although small business owners may consider this just another administrative burden, ignoring the GDPR or getting it wrong could have costly repercussions:

- Organisations found to be in breach of the Regulation face administrative fines of up to 4 per cent of their annual global turnover or £20 million – whichever is greater.

## When information should be shared with NHS Test and Trace / Test and Protect (Scotland)

NHS Test and Trace / Test and Protect (Scotland) 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 have been identified as the location of a potential local outbreak of Covid-19.

NHS Test and Trace / Test and Protect (Scotland) will work with you, if contacted, to ensure that information is shared in a safe and secure way. 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 minimize the onward spread of Covid-19.

## How NHS Test and Trace / Test and Protect (Scotland) will take steps to minimize transmission

If you receive a request for information from NHS Test and Trace / Test and Protect (Scotland) **this does not mean that you must close your establishment.** NHS Test and Trace / Test and Protect (Scotland) will, if necessary, undertake an assessment and work with you to understand what actions need to be taken.

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. NHS Test and Trace / Test and Protect (Scotland) will give you the necessary public health support and guidance. Your staff will be included in any risk assessment and NHS Test and Trace / Test and Protect (Scotland) will advise them what they should do.

If there is more than one case of Covid-19 on your premises, you should contact your Local Health Authority to report the suspected outbreak.



# Coronavirus Response

## Be aware of fraud and scams, NHS 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 and 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

## Get help and support in other parts of the UK from:

- [Public Health Wales](#)
- [Health Protection Scotland](#)
- [Public Health Agency \(Northern Ireland\)](#)

## Please click on the headings below for links to further information:

[Maintaining records of staff, customers and visitors to support NHS Test and Trace](#)

[NHS test and trace: how it works](#)

[HSE Coronavirus information and advice](#)

[HSE Social distancing](#)

[Working safely during Coronavirus](#)

[HSE Working safely during Coronavirus](#)

[Review of two metre social distancing guidance](#)

[Coronavirus: safer public places – urban centres and green spaces](#)

[Privacy notice for maintaining records of staff, customers and visitors to support NHS Test and Trace](#)