

Guidance for the Hospitality Industry in Northern Ireland

Maintaining records of staff, customers and visitors to the Hospitality industry to help support Test, Trace and Protect.

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1. Introduction

We are currently experiencing a public health emergency as a result of the coronavirus (COVID-19) pandemic. It is therefore critical that organisations take a range of measures to keep everyone safe.

The opening up of the economy following the COVID-19 outbreak is being supported in Northern Ireland by the Contact Tracing Service which is part of the Test, Trace, Protect Strategy approved by the Northern Ireland Executive. You can assist contact tracing by keeping a temporary record of your clients and visitors, in a way that is manageable for your business, and that will enable you to assist the Contact Tracing Service with requests for that data if needed. This could help contain clusters or outbreaks of the virus in Northern Ireland. This guidance is for the hospitality industry and sets out key actions and information around the collection of customer data as restrictions relating to the COVID-19 pandemic are eased. From 07 August 2020, hospitality businesses serving customers who remain on the premises while engaging with the business can assist the Contact Tracing Service by keeping a temporary record of your customers and visitors for 21 days. This Guidance will assist you in doing this in a proportionate and effective way.

2. Contact Tracing Service

The Contact Tracing Service is a key part of the ongoing 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 the future.

The Contact Tracing Service includes dedicated contact tracing staff from the Public Health Agency. This involves a manual contact tracing centre where skilled clinical contact tracers will call all positive cases and their contacts to provide advice and guidance on next steps. Public health consultants provide medical advice and clinical leadership to the Service as well as dealing with complex cases and managing outbreaks or clusters of COVID-19. In addition, a suite of digital products will also be introduced in the coming weeks as a further option for everyone to engage with the contact tracing process, including the StopCOVID NI proximity app launched on 31 July 2020. The StopCOVID NI Proximity App, has been designed to assist in stopping the spread of Covid-19 in Northern Ireland, by anonymously contacting people who have been in close contact with someone who has tested positive for COVID-19. It will help contact people you don't know, that would not be warned by the manual contact tracing process, that they might be infected.

[The STOPCOVID NI easy explainer guide](#) provides an informative overview of the APP that you can use to promote its use within the sector.

At present, the app does not link to the contact tracing service directly. Once someone has a positive test, manual contact tracing will be initiated. It will operate in parallel, encouraging 'high risk' contacts that might have been missed otherwise, to get tested.

You can read further information on <https://www.publichealth.hscni.net/covid-19-coronavirus/testing-and-tracing-covid-19/contact-tracing>.

3. The purpose of maintaining records

By maintaining records of staff, customers and visitors, and sharing these, if requested, with the Contact Tracing Service, you can help us to identify people who may have been exposed to the virus. Containing outbreaks early is crucial to reduce the spread of COVID-19, protect the health and social care system in Northern Ireland, and save lives. This will help to avoid the reintroduction of lockdown measures and support a 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 contact tracing 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.

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 including maintaining a safe working environment and following social distancing guidelines. Further information is available via the NI Direct website at <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-work>.

4. Sectors that this guidance applies to

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 close contact with other people outside of their household. To manage this risk, establishments in the hospitality sector, whether indoor or outdoor venues or mobile settings, should collect details and maintain records of staff, customers and visitors.

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.

5. Information to collect

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

Staff

- names of staff who work at the premises;
- a contact phone number for each member of staff; and
- the dates and times that staff are at work.

Customers and Visitors

- 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 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.

Many organisations, including restaurants and hotels, that routinely take bookings already have systems for recording their customers and visitors. 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.

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 impractical to do so at the entrance. It should be recorded digitally if possible, but a paper record is also acceptable.

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

6. Impact of Guidance on children and young people

In many cases, a child is likely to be visiting your premises as part of a family group. If there is more than one person visiting your premises, you can record the name of the 'lead member' of the group and the number of people in the group. In this situation it will probably be sensible to collect an adult's contact details.

But there may be times when a young person is unaccompanied. The ICO has produced guidance about what to do in this situation. Further information can be found [here](#).

7. If someone does not wish to share their details, or provides incorrect information

Although this is voluntary, please encourage customers and visitors to share their details in order to support the Contact Tracing Service 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 contact tracing, you should not share their information used for booking purposes with the Contact Tracing Service.

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 contact tracing purposes.

8. How records should be maintained

To support the Contact Tracing Service, 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).

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 contact tracing. All personal collected data, however, must comply with the General Data Protection Regulation and should not be kept for longer than is necessary.

9. General Data Protection Regulation (GDPR)

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. This section sets out the steps you can take to comply with GDPR.

The ICO has produced [guidance](#) for organisations to help you ensure you protect customer and visitor information, collected for contact tracing purposes, in line with GDPR. You should follow this guidance.

GDPR allows you to request contact information from your staff, customers and visitors and share it with the Contact Tracing Service 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.

Under GDPR Article 13 you, as data controllers of personal data, are required to provide certain information when collecting personal data from the data subject; this is in keeping with the first principle under Article 5 of GDPR, part of which requires transparency of how you process personal data. The information to be communicated to your customers in compliance with Article 13 should be set out in accessible notices, often referred to as Privacy Notices.

For example, 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 the Contact Tracing Service, by updating your existing notices.

You do not have to provide a copy of this information to every customer individually. You might, for example, display a notice at your premises or on your website (when people are making an online booking), setting out what the data will be used for and the circumstances in which it might be accessed by the Contact Tracing Service. 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. A poster is currently under development that will provide customers with information on the importance of collecting their details and how this will assist with contact tracing. However each organisation is responsible for ensuring they provide the relevant information to their customers.

Personal data that is collected for contact tracing, which you would not collect in your usual course of business, must be used only to share with the Contact Tracing Service. 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 **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.

Appropriate technical and organisational security measures must be in place to protect customer contact information and the ICO has produced specific [guidance](#) on Data Security for collecting customer/ visitor details, which you should follow. The measures you need to take will vary depending on how you 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 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).

As outlined under section 8 above, the personal information collected for contact tracing purposes should be securely disposed of or deleted after 21 days.

10. Registration with the Information Commissioner's Office

Every organisation or sole trader who processes personal information, including for the purposes of contact tracing for Covid-19, must be registered with the Information Commissioner's Office (ICO) and pay a data protection fee unless they are exempt. If you are unsure whether you need to register, please contact the ICO via their helpline on 0303 123 1113, or visit <http://www.ico.org.uk>.

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 registration form will take around 15 minutes to complete.

The ICO has published its own detailed guidance on collecting customer and visitor details for contact tracing, available here <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/coronavirus-recovery-data-protection-advice-for-organisations/collecting-customer-and-visitor-details-for-contact-tracing/>.

11. When information should be shared with the Contact Tracing Service

The Contact Tracing Service 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. **You should not contact the customers directly – this will be carried out by trained contact tracers.**

The Contact Tracing Service 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 with the Contact Tracing Service to help us identify people who may have been in contact with the virus and help minimise the onward spread of COVID-19.

The Contact Tracing Service 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 your business is contacted by the Contact Tracing Service the contact tracers will:

- call you from **028 95368888**.

Please note that contact tracers will never:

- ask you to dial a premium rate number to speak to them;
- ask you to make any form of payment or purchase a product of 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; or
- ask you to access any website that does not belong to the government.

12. How the Contact Tracing Service will take steps to minimise transmission

If you receive a request for information from the Contact Tracing Service this does not mean that you must close your establishment. The Public Health Agency 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. The Contact Tracing Service will give you the necessary public health support and guidance. Your staff will be included in any risk assessment and the Contact Tracing Service will advise them what they should do.

PLEASE NOTE THIS PRIVACY NOTICE IS INTENDED FOR COMMERCIAL VENUES ONLY.

Recording Customer Details: How we use your information

To support the Contact Tracing Service (which is operated by the Public Health Agency in Northern Ireland) **[INSERT NAME OF BUSINESS]** has decided to collect and keep a limited record of staff, customers and visitors who come onto our premises for the purpose of contact tracing.

By maintaining records of staff, customers and visitors, and sharing these with the Contact Tracing Service we can help to identify people who may have been exposed to the Coronavirus.

As a customer/visitor of **[INSERT NAME OF BUSINESS]** you will be asked to provide some basic information and contact details. The following information will be collected:

- The names of all customers or visitors, or if it is a group of people, the name of one member of 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 departure time.

In addition, if you only interact with one member of staff during your visit, the name of the assigned staff member will be recorded alongside your information.

The Contact Tracing Service have asked us to retain this information for 21 days from the date of your visit, to enable contact tracing to be carried out during that period. We will only share information with the Contact Tracing Service if it is specifically requested by them. For example, if another customer at the venue reported symptoms and subsequently tested positive, the Contact Tracing Service can request the log of customer details for a particular time period (e.g.: this may be all customers who visited on a particular day or time-band, or over a two-day period).

We may/will **[DELETE AS NECESSARY]** require you to pre-book appointments for visits or to complete a form on arrival

Under government guidance, the information we collect may include information which we would not ordinarily collect from you and which we therefore collect only for the purpose of contact tracing. Information of this type will not be used for other purposes (such as surveillance of an individual's movements or marketing activities), and the Contact Tracing Service will not disclose this information to any third party unless required to do so by law (e.g. as a result of receiving a court order). In addition, where the information is only collected for the purpose of contact tracing it will be destroyed by us 21 days after the date of your visit.

However, the government guidance may also cover information that we would usually collect and hold onto as part of our ordinary dealings with you (perhaps, for example, your name, and phone number). Where this is the case, this information may continue to be held after 21 days and we will use it as we usually would, unless and until you tell us not to.

Your information will always be stored and used in compliance with data protection legislation.

The use of your information is covered by the General Data Protection Regulations Article 6 (1) (f) – legitimate interests of the venue/establishment. The legitimate interest in this case is the interest of the venue/establishment in co-operating with the Contact Tracing Service in order to help maintain a safe operating environment and to help fight any local outbreak of coronavirus.

If you do not wish your contact information to be passed to the Contact Tracing Service if it is requested, please speak to **[INSERT NAME OF MANAGER/PERSON IN CHARGE AT VENUE]**

By law, you have a number of rights as a data subject, such as the right to access information held about [you](#). If you are unhappy or wish to complain about how your information is used, you should contact: DPO@health-ni.gov.uk in the first instance to resolve your issue.

If you are still not satisfied, you can complain to the Information Commissioner's Office. Their website address is www.ico.org.uk

