

## Introduction

This privacy notice relates to venues using the QR code registration and download process (the QR code process). That process, together with the NHS COVID-19 app (the app), contributes towards the effective management of the coronavirus pandemic. The list of venues required to use the QR code process can be found in the Appendix below.

The QR code process is part of NHS Test and Trace which is overseen by the UK Department of Health and Social Care (DHSC).

If you want to know more about the app itself and the service it supports, you can find more information at:

- Wales: Test, Trace and Protect (<https://gov.wales/test-trace-protect.html>)
- England: Test and Trace (<https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works>)

You can also find out about your responsibilities for maintaining records of staff, visitors and customers at a venue (<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>).

One of the features of the app is the check-in feature. This enables users to check into venues, whether physical premises or mobile businesses, that display official NHS QR code posters. Users who check-in can then be notified later if they may have visited a venue where someone has tested positive for COVID-19.

This notice will be subject to ongoing review and improvement.

## Data used in the QR code process

Find out on the NHS.UK website:

- which venues in England should display the official NHS QR code poster (<https://faq.covid19.nhs.uk/article/KA-01183/en-us?parentid=CAT-01043&rootid=CAT-01027>)
- which venues in Wales should display the official NHS QR code poster (<https://faq.covid19.nhs.uk/article/KA-01253/en-us?parentid=CAT-01044&rootid=CAT-01027>)

If you follow the QR code process, you'll need to provide the following information:

- your email address
- the address of your business, place of worship, community organisation or event

If you have more than one venue, the following will also be needed:

- the address of each location
- an email address for the manager (or point of contact) for each location
- a phone number for the manager (or point of contact) for each location

## Personal data

'Personal data' is a term defined in law.

Contact details such as those above, particularly if you are a sole trader and/or are conducting business in your personal capacity, may be regarded as personal data. In that case you have certain rights under the Data Protection Act 2018 (DPA) which incorporates the General Data Protection Regulation (GDPR). These are set out in this document.

## Sharing your data

The DHSC may share the data you provide with other government departments and relevant local authorities for the purposes of monitoring and enforcing the correct use of the QR code process.

Scanned QR codes and associated information such as the business name of venue, QR ID and venue postcode, will be visible to the app user to confirm they have checked into the correct venue and will be visible to the app user in their 'venue history' data.

This information can be shared with Test and Trace when an app user tests positive. This supports the management of the coronavirus pandemic, including the alerting of other app users who have attended the same venue.

## Our responsibilities

### The law relating to processing personal data

We will adhere to our legal responsibilities. The legal bases for processing your personal data under the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018 laws are:

- GDPR Article 6(1)(e) – the processing is necessary for the performance of its official tasks carried out in the public interest in providing and managing a health service
- DPA 2018 – Schedule 1, Part 1, Section 2(2)(f) – the management of health care systems or services
- DPA 2018 – Schedule 1, Part 1, Section 3 – public health purposes

### Retention of personal data

Personal data processed by the DHSC will be stored in line with the Records Management Code of Practice for Health and Social Care 2016 (<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>).

This means your personal data may be retained from a minimum time of 14 days or up to 8 years. The principle of data minimisation is applied to ensure that data processing is limited to only what is necessary and for as long as necessary. The data will then be securely disposed of.

QR codes that are scanned by users when visiting your venues or engaging with your business are automatically deleted after 21 days. The choice of 21 days takes into account the 14-day incubation period, and the infectious period of the virus.

These data retention periods will follow the latest government advice and therefore may increase or decrease.

### Your rights under the DPA and GDPR

By law, you have rights as a data subject. Your rights under the General Data Protection Regulation and the UK Data Protection Act 2018 apply.

Your right to get copies of your information – you have the right to ask for a copy of any information about you that is held or controlled by DHSC.

Your right to update or correct your information – you have the right to ask for any information held about you that you think is inaccurate, to be corrected.

Your right to limit how your information is used – you have the right to ask for any of the information held about you to be restricted, for example, if you think inaccurate information is being used.

Your right to object to your information being used – you can ask for any information held about you to not be used. However, this is not an absolute right, and we may need to continue using your information, and we will tell you if this is the case.

Your right to get your information deleted – this is not an absolute right, and we may need to continue to use your information, and we will tell you if this is the case.

If you're unhappy or wish to complain about how your personal data is used by NHS Test and Trace you should contact DHSC in the first instance to resolve your issue. If you're still not satisfied, you can complain to the Information Commissioner's Office.

You can get in touch with us by contacting the Data Protection Officer. The Data Protection Officer for DHSC can be contacted by email at [data\\_protection@dhsc.gov.uk](mailto:data_protection@dhsc.gov.uk).

Once we receive your request, members of our Data Protection team will endeavour to get back to you as soon as possible to confirm receipt.

## **Data controller**

The DHSC commissioned the NHS Test and Trace programme on behalf of the UK government and is the data controller for the purposes of data protection legislation. DHSC decides what information is required and how it needs to be used.

You can also find further information about how the governments of Wales (<https://phw.nhs.wales/topics/latest-information-on-novel-coronavirus-covid-19/>), Scotland (<https://www.gov.scot/coronavirus-covid-19/>) and Northern Ireland (<https://www.health-ni.gov.uk/coronavirus>) are working to manage the pandemic.

## **Data protection officer**

As also noted above, the Data Protection Officer for DHSC can be contacted by email at [data\\_protection@dhsc.gov.uk](mailto:data_protection@dhsc.gov.uk).

## **Appendix: venues required to display a QR code**

The NHS QR code venue process applies to the following business areas:

- hospitality
- leisure and tourism
- close contact services
- local authority run services

The full list of venues required to display a QR code can be found in annex A of Maintaining records of staff, customers and visitors to support NHS Test and Trace (<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>).