



Eich cyf/Your ref
Ein cyf/Our ref TO/VG/05085/20

Wynne Jones

minyrafon@btinternet.com

5 August 2020

Dear Mr Jones,

Thank you for your letter of 19 July regarding Covid-19 personal data capture and processing. I have been asked to respond.

The tourism and hospitality sectors are considered to carry a higher risk of transmitting COVID-19 because customers and visitors spend longer times on these premises than in other surroundings and potentially come into close contact with people outside of their household.

In the particular circumstances of the COVID-19 pandemic, GDPR may permit businesses to request contact information from staff members, customers and visitors and share it with the NHS Wales Test, Trace, Protect service for the purpose of their public health functions, should it be required.

Under GDPR, the business owners who are collecting data are consequently the data controller. This means that businesses have certain legal obligations in handling any data they collect and must ensure they are satisfied that they are complying with GDPR, to protect the privacy of all staff, customers and visitors.

The service will ask for these records only where it is necessary, either because someone who has tested positive for COVID-19 has listed the premises as a place they have worked at or visited recently, or because the premises has been identified as the location of a potential outbreak of COVID-19.



Grŵp Iechyd a Gwasanaethau Cymdeithasol
• Health and Social Services Group
Parc Cathays • Cathays Park
Caerdydd • Cardiff • CF10 3NQ

Canolfan Cyswilt Cyntaf
• First Point of Contact Centre:
E-bost • E-mail:
CustomerHelp@gov.wales
Ffôn • Tel: 0300 0604400

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

When collecting the details businesses are required to make it clear to their customers why this information is being collected. This can be done, for example, by a verbal explanation or on a website or a notice displayed at their premises clearly stating that the information provided may be shared with the NHS Wales Test, Trace, Protect service.

GDPR requires that any personal data collected must be processed fairly and transparently. If it has been collected for contact tracing purposes only (i.e. information that you would not ordinarily collect in the usual course of business) it must be used only for those purposes and not for other purposes including marketing, profiling, analysis or other purposes unrelated to contact tracing. This should not have an unjustified detrimental impact on individuals as a result of collecting and/or sharing their data.

Our guidance specifies the details that they should be collecting, with the customers consent, are:

- The names of customers or visitors, or if it is a group of people, the name of one member of the group – the ‘lead member’.
- A contact telephone number for each customer or visitor, or for the lead member of a group of people.
- Date of visit and arrival and departure time.

Further and more detailed information can be found at: <https://gov.wales/keeping-records-staff-customers-and-visitors-test-trace-protect>

By maintaining records of staff, customers and visitors, and sharing these with the NHS Wales Test, Trace, Protect service when requested, businesses can help to identify people who may have been exposed to the virus. Containing outbreaks is crucial to reducing the spread of COVID-19, protecting the NHS in Wales and saving lives. This will support the country in returning to, and maintaining, a more normal way of life. Sharing details will support the NHS Wales Test, Trace, Protect service’s efforts to control the spread of the virus, and we are therefore asking that all businesses in these sectors encourage visitors to share their details.

Yours sincerely



Robert Griffiths
Operational Lead, Contact Tracing