

## The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020

These Regulations have been published and come into force today (18th September), except for regulations relating to the requirement for QR codes, which come into effect on 24th September when the NHS COVID-19 app will be launched.

The regulations apply to hospitality businesses, including pubs, bars, restaurants and cafés, and tourism and leisure, including hotels, museums, cinemas, zoos and theme parks.

They have effect in England only.

The responsibility for obtaining details rests with the 'relevant person' who operates or occupies the premises.

Regulation 6 provides that relevant persons must display and make available a QR code at relevant premises they occupy or operate to enable individuals who seek to enter the premises to scan that QR code as they enter the premises or immediately after they enter (applies from 24th September). "QR code" is defined as "a dynamic quick response (QR) code developed by, or on behalf of, and issued by, the Secretary of State", i.e. the NHS QR code.

Regulation 7 provides the requirement to request certain customer details, where an individual seeks to enter relevant premises, unless that individual is under 16 or has a mental or physical disability that means they are unable to provide the details. This regulation does not apply to individuals who have scanned in the NHS QR code.

The details required are:

- the name of the individual;
- a telephone number on which the individual may be contacted;
- an e-mail address if the individual is unable to provide a telephone number;
- a postal address if the individual is unable to provide an email address;
- the date and time that the individual entered the relevant premises;
- where the individual is a member of a group seeking permission to enter relevant premises together, the number of people in that group (including any member of the group that has scanned a QR Code when seeking to enter the relevant premises).

Separate rules apply to groups (Regulation 8), where the 'relevant person' must either request each member of the group provide those details or that one member "provides those details in place of any other member of the group doing so".

Where it is lawful for a group of more than six individuals to enter the premises together as a group the relevant person must treat that group as if it consisted of a number of smaller sub-groups of no more than six individuals in each sub-group for the purposes of collecting the group's details.

Regulation 9 exempts certain visitors from having to provide their details. This includes:

- a constable or police community support officer acting in the course of their duty;
- an emergency responder (other than a constable) acting in their capacity as an emergency responder;
- for the sole purpose of making postal, courier or other deliveries and collections, including of documents, food or physical goods.

Details must be retained for a period of 21 days to assist with Test and Trace.

The regulations (Regulation 16) provide that for restaurants, including restaurants and dining rooms in hotels or members' clubs; cafes, including workplace canteens; bars, including bars in hotels or members' clubs; and public houses, **the person providing the service must take all reasonable steps to prevent access to an individual who refuses to provide the requisite details, or where none of the group has done so in accordance with the regulations.** This requirement applies where the information collected is incomplete or the relevant person believes it to be inaccurate.

Regulation 17 provides that it is an offence to contravene an obligation imposed by these regulations and regulation 18 provides for the imposition of fixed penalty notices. The first fine will be £1,000, payable within 28 days (or reduced to £500 if paid within 14 days). The second fine will be £2,000, the third will be £3,000 and the fourth (and subsequent) fines will be £4,000.

The full regulations can be found [here](#).

Government guidance on Test and Trace can be found [here](#):