

## Test and Protect Briefing Note

*This note carries advice or recommendations. The document is subject to change as our response to COVID-19 develops.*

### Version History

Version	Date	Summary of Changes
V.1	30/07/20	First version of document

### Overview

As part of efforts to reduce the impact on public health from Coronavirus, NHS Scotland's Test & Protect works by identifying who has Coronavirus and who they have had close, recent contact with to break chains of infection and stop the spread of the virus.

Keeping a temporary record of all individuals attending church services is important for the protection of the individuals themselves and for the community. Data should be collected by congregations to support Test & Protect, and in doing so they should comply with data protection law.

In order to process personal data, organisations require to have a “lawful basis” for doing so. Because congregations hold religious services, it potentially identifies people in attendance as holding a religious belief, which is ‘special category data’ under data protection law. The Information Commissioner therefore recommends that the explicit consent of the individuals concerned is used as the lawful basis for collecting and storing the contact details of people attending places of worship.

For more details of the Test & Protect or data protection see:

[Test & Protect](#)

[ICO](#)

### Steps to take

1. Appoint a member(s) of Kirk Session or Deacons Court to oversee data collection for this purpose.
2. Adopt additional Privacy Notice and display this in building and on website if possible.
3. Implement steps to seek and record consent of visitors to the building.

### Additional Supporting Documents available on FC website

1. Draft Privacy Notice
2. Example recording sheet

### Data to Collect

You should keep a temporary register of worshipper contact details for a period of 21 days. The following information should be collected where possible:

- the name of each worshipper, or when worshippers are attending as a small household group, the details for one member of that group – a ‘lead member’

- a contact phone number for each worshipper, or for the 'lead member' of a small household group
- date of visit and arrival and, wherever possible, departure time

It is important that you are transparent about the use of the information e.g. clear Privacy Notice and that you carefully store the data, do not use it for other purposes and erase or destroy it after 21 days.

The Scottish Government has stated that collection of contact details from worshippers is voluntary, but that cooperation with Test and Protect measures will be crucial to national efforts to suppress the virus. Further, under data protection law, where consent is the chosen legal basis for processing personal information, individuals should be able to refuse or withdraw their consent without facing negative consequences, such as being denied access to your service.

## **Collecting the Data**

The best method of recording of the information will depend on individual congregational circumstances but note two areas below:

### **1. Recording details on arrival**

People can be asked to provide their details by providing details to appointed recorders. A template recording sheet available on the website. You should consider appointing one or a small number of people to be responsible for the recording and security of the information. For ease of recording, you may wish to use a prepopulated abbreviated version of church roll/register and seek consent to use contact details already held by the congregation.

Information should be recorded digitally if possible, but a paper record is acceptable too. Writing contact details in a book or register and destroying these safely when the 21-day retention period is over is acceptable so long as the register is kept out of public sight and stored securely. Similarly, digital records must be securely deleted at the end of the 21-day retention period. To minimise the risk of virus transmission during this process, any written information should be noted by a designated person and not by the individuals themselves.

In all cases each individual (or household group) must give **consent** that their contact details may be shared with the NHS Test and Protect Service if necessary. A copy of the Privacy Notice must be displayed in the church building. The 'request for consent' statement on the recording template should be made available to read or can be read aloud to the person. As an additional step it could be read out or explained during the service e.g. as part of notices.

### **2. Seeking consent for use of details ahead of arrival**

This may be easiest if you are using an online booking or other system for controlling church attendance at the present time due to capacity restrictions etc. You should provide a clear opt-in for people to give consent to use of their contact information for Test and Protect. You should adopt and make available the Test and Protect Privacy Notice. Don't forget you will need to ensure those booked online match actual attendance at the service.

Alternatively, you may directly seek consent from those on a congregational directory to use their details for Test and Protect anytime they visit the Church building, and then use a simple attendance register at the church door. Note that you will need to make clear their consent can be revoked at any time and you will still need a method to collect details from any visitors.

### **Passing Information to NHS Trace and Protect**

1. Share with the NHS Trace and Protect ONLY if required.
2. Ensure that the asking organisation is NHS and not an improper third party.
3. There is no circumstance in which churches should use the data to directly contact members or visitors or staff, even in the event of a known outbreak within premises. NHS Health protection teams will decide on a case-by-case basis on what follow-up action to take.