

## Privacy guidance on mandatory record keeping for contact tracing

### ***Updated guidance to help organisations across New Zealand protect privacy while complying with mandatory record keeping***

The Government has introduced mandatory record keeping at specified places and events. People responsible for these places or gatherings (referred to in this guidance as 'organisations') must make sure they have safe and secure systems and processes in place so that everyone working on or visiting the premises can scan in or provide their details in an electronic or paper-based manual process, no matter how long they are there for. This includes workers, contractors, customers, and volunteers. At Alert Levels 3 and 4 some businesses and workplaces have extra requirements to support contact tracing.

Please visit the [Unite Against COVID-19](#) website for more information about the new requirements and to see if your organisation is required to comply with the order.

Organisations need to ensure that their systems and processes for record keeping comply with the Privacy Act 2020. This includes ensuring that the information is held securely and cannot be seen or accessed by people who do not need to see it, including other customers or visitors. The paper customer sign-in registers that have previously been used by some organisations are not compliant (as the contact record information is visible to other customers) and need to be replaced with other processes and systems.

Unite Against COVID-19 resources are available [here](#).

The following advice is to help you comply with the requirements of the Privacy Act while complying with the new record keeping requirements.

### **NZ COVID TRACER APP**

The most common form of record keeping is the NZ COVID Tracer App. It is a legal requirement to display a NZ COVID Tracer QR code unless an exemption applies.

The Privacy Commissioner endorsed the NZ COVID Tracer App because it was created with privacy by design principles which put privacy at the foundation of the process. We encourage those that can use the App to do so to support contact tracing.

### **ALTERNATIVE (Non-QR) CONTACT RECORDING SYSTEMS**

It is important that an organisation provides an alternative method of collecting and storing contact records for people that do not use the NZ COVID Tracer App.

The following guidance will help you protect people's privacy when setting up a sole purpose record keeping system that is appropriate for your organisation or using an

existing booking/membership or visitor registration system. Individuals may also want to carry their own paper-based or digital tracking diary.

### **Collection and transparency**

Use a simple privacy statement alongside your alternative record keeping system to let people know why the information is needed and how long you need it for. If you have set up a contact recording system for the sole purpose of complying with the Government's mandatory requirement this statement would be appropriate.

*This information is being collected to assist in the management of the COVID-19 pandemic. It will be given to public health officials in the event that it is required for contact tracing. We will not use it for any other purpose and will destroy it after 60 days. It will be kept securely here at [name of the establishment].*

If your organisation is using its existing membership, booking or visitor system to collect contact records it will be important to let your customers, clients or visitors know that you will be using this information to support contact tracing. A statement along these lines would work.

*Please note that we will be using our existing records to assist in the management of the COVID-19 pandemic. This means that your details (name, contact number and time and date of your visit) will be given to public health officials in the event that it is required for contact tracing.*

You can also use [Unite Against COVID-19](#) posters to let people know about how and why information is being collected.

### **Practical ways of collecting and storing**

There is no one right method of collecting. The important thing is to ensure alternative (non QR Code) ways of collecting personal information for contact tracing are protected and private. Do not use an open sheet or register left in a public-facing position where personal information is visible to others. This is a leading cause of COVID-19-related privacy breaches.

Below are some alternative ways you can record contact tracing information.

- Set up a ballot box with individual paper slips or cards for people to fill in the name, date, phone number and time.
- Have an employee manually record visitor details – this ensures that staff maintain control over the records and do not leave contact information visible to others.
- Consider an electronic system, like a tablet sign-in app, work timesheet or an existing booking system.
- Use a special purpose work cellphone to receive texts from customers or visitors. Simply post the cell phone number around the entrance to your service or organisation and let customers text you their name. The phone will automatically record the phone number, date and time.

**Remember**, whichever alternative method you use, it is important that you are able to access the information quickly and easily in the event that it is required for contact tracing purposes. Time will be of the essence **so storing the information by date will**

**be essential.** There are a variety of ways this can be done depending on the method of collection chosen, for example:

- Some smaller organisations using a ballot-box approach simply put all the individual records collected on that day into a large envelope labelled with the date (day/month/year) collected. Others enter the individual records into a spreadsheet by date at the end of each day.
- Organisations using cell-phone records often store them on the work cell-phone or as a precautionary measure copy the texts received into a Word document and file it by date.

There are resources available for businesses to use [here](#).

### **Only record a person's name and contact number, and the time and date they visited**

A general rule of the Privacy Act is to collect only as much information as you need and no more.

For contact tracing you only need to record the person's name, contact number, and the date and time they entered your location. You do not need to collect any further information. If you are using an existing booking, membership, or visitor registration system only the person's name, contact number and the date and time of their visit is required by the contact tracers.

### **Use of the information is for contact tracing, not marketing or other uses**

Information collected solely to support contact tracing cannot be used for other purposes. The records collected should only be used for the public health purposes. For instance, it cannot be used as mailing list, or to allow staff to contact customers.

Don't give the records you have collected to other parties or let customers or other visitors view or flick through them or take photos.

If you are using an existing booking, membership, or visitor registration system to support contact tracing, remember that good privacy practice still applies.

### **Security and storage**

Once collected, you will need to keep the information safe. This means storing it safely and securely, for instance if it is a physical record it could be stored where other valuables are kept such as a locked cabinet with other important documents. If it is a digital record it needs to be stored on a secure information system. If you are using a work cellphone to store contact record texts, this cellphone will need to be kept safe and secure.

It will also be important to ensure that access to this information is provided to a limited number of key people. You should know who has access and why. Staff should be told they are not allowed to access and use the records for any personal purposes, business purposes not connected to pandemic management.

### **Retention and disposal of information after 60 days**

Under the order, personal information must be kept for 60 days. This period is based on Ministry of Health guidance to support contact tracing. This includes those

organisations who are using existing systems. If for example a gym member discontinues their membership, the record of their visits must be kept for 60 days in case they are required for contact tracing purposes.

After 60 days, information that has been collected solely for the purpose of supporting contact tracing should be safely disposed of. Shred it or find another way to destroy it. Don't just throw it in the bin.

For those organisations using existing systems for contact recording purposes your standard disposal requirements will apply.

### **Staff training**

Make sure staff understand this privacy guidance. For instance, it is important staff are trained and know to only collect the minimum information necessary, that it must be stored safely, and that it must be held with for 60 days before being safely destroyed.

### **Lost records**

If you accidentally lose physical or electronic sign in records, you should use the Office of the Privacy Commissioner's NotifyUs tool [here](#).