

# Record keeping FAQs

As of 6pm – 3 September 2021 – new content in **yellow**

## **Q. What is happening?**

More businesses and locations will be required to have processes in place to enable people to scan in using the COVID-19 tracer app, or manually record their visit and are encouraged to ensure customers and visitors record their visits. This will apply to range of places including health and aged care facilities, local and central government facilities, exercise facilities, social services providers with customer service counters and hospitality and entertainment businesses and comes into effect at 11.59 pm on 7 September 2021.

## **Q. Why is this happening?**

This will ensure at all alert levels that are close-contact businesses and locations which are allowed to be open, and which are at higher-risk of transmission of COVID-19 occurring when there are cases in the community, have good systems in place enable people to record their visit. Good record keeping supports faster communication with those who are identified as contacts of a positive case.

## **Q. What do business and services need to do to be compliant with the requirement?**

Relevant businesses and locations will be responsible having systems and processes in place to enable, so far as is reasonably practicable, people scan in using the COVID-19 tracer app, or manually record their visit.

What is reasonably practicable will differ between businesses. Workplaces (and public transport services) will continue to be required by law to display QR codes. Alternative systems to make a record will also now be required where record keeping is mandatory. For example, a manual register for those who are not able to scan and/or your business or service's booking system.

## **Q. Where do these requirements apply?**

The following places, legally must have systems and processes to ensure visitors keep a record of where you have been (whether via the NZ COVID Tracer app or otherwise):

- a healthcare facility
- an aged care facility
- a close contact business (for example, barbers, beauticians, or hairdressers)
- a hospitality venue, for example a cafe, restaurant, bar or nightclub
- public areas within courts and tribunals, local and central Government agencies, and social service providers with customer service counters
- an indoor public facility, such as a library, museum, or swimming pool
- an exercise facility, such as a gym, sports venue, or yoga studio
- an indoor event facility, such as a cinema, theatre, concert venue, or casino
- a social gathering, such as a wedding, funeral, tangihanga or faith-based service.

In all other places, we encourage you to keep track of everywhere you have been, as this helps contact tracing go faster to can prevent any further spread of COVID-19.

Contact tracing for all confirmed and probable new cases of COVID-19 continues, with appropriate isolation measures in place.

## **Q. How is this different from current settings?**

Currently the only record keeping requirement is for businesses in limited scenarios at Alert Level 3 to have systems and processes to ensure – as far as is reasonably practicable – that a record is kept, and for attendees at social gatherings at all Alert Levels.

**Q. What does it mean for someone to ‘record a visit’?**

This can be done by scanning QR codes with the COVID-19 Tracer App or making a manual record, either by providing details using the method available when at a business or location which may include writing your details down. You also can keep your manual record of where you have been and when, either in the COVID-19 Tracer App or by keeping a list elsewhere. Ideally you would keep a digital copy of this list to ensure you have a backup. If your business/location has controlled access or booking systems that meet the record-keeping requirements, that will also be sufficient.

For businesses it means having the processes in place to ensure people can easily scan QR code posters or make a manual record of their visit.

**Q. What is the best way to record visits?**

Using the COVID-19 Tracer app is best. This is particularly valuable for when contact tracing needs to occur as it provides accurate locations and timings for visits and helps speed up contact tracing efforts. Remember from now on, scan in wherever you go. Out and about? Before you walk through the door. Don't forget to scan in. It's a simple action that could make a massive difference.

**Q. Are people scanning in normally?**

New Zealanders are scanning in, just not enough of us. This is one of the reasons we are strengthening our record-keeping requirements.

**Q. Do businesses and locations need to display QR codes for scanning?**

Yes, this is a legal requirement under the COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021. There are some exemptions including public transport providers and transport terminals such as airports and bus stations.

**Q. What enforcement will be in place?**

If a person responsible for a business or location has failed to meet record keeping requirements they are committing an infringement offence and will be liable to an infringement fee of \$300 or court imposed fine not exceeding \$1,000.

Failing to display a QR code will continue to be an infringement offence carrying an infringement fee of \$300 or court imposed fine not exceeding \$1,000.

**Q. What constitutes acceptable record keeping?**

Displaying your business or services' unique QR Code in a visible and accessible position for staff and visitors to scan.

To meet the requirement, you must collect the name of the person, the time they were there and a phone number to contact them. If your existing systems do this then you're ok, but if not, you need to collect it.

**Q. Are hotels/AirBnB's included?**

Accommodation providers including hotels and AirBnBs are not required and are not covered by the mandatory record keeping requirements. Most places should already have in place sufficient record keeping measures. This may be in the form of guest check-in and contact details which could be

used for contact tracing purposes if needed. However, it is recommended that in food and beverage areas, record keeping measures are in place.

**Q. What if a customer or guest refuses?**

There will be no expectation or requirement for a person responsible for the place or gathering to enforce non-compliance with record keeping requirements. The obligation on businesses is to have systems and processes in place to ensure (as far as reasonably practicable) so that customers or visitors make a record.

Businesses will not be required or expected to turn people away who may refuse to make a record of their visit, particularly if the person becomes aggressive or abusive. This will be at the discretion of the business.

**Q. What does mandatory record keeping mean for aged care facilities and health care facilities?**

The new rules will apply only for “visitors to aged care and healthcare facilities”, but not patients or staff, as there are already record-keeping practices in place for them (e.g. appointments, swipe cards or rostered shift records).

Where possible, the patient should still scan in, but it this isn't mandatory provided that an alternative record with the time and contact details of the person is made by the business/health/aged care facility. In a situation where someone is brought into a healthcare facility for care without an existing appointment, then the facility is likely to record that the person has been there during the time that they are receiving care.

Anyone who accompanies the patient or visits them will need to scan or sign in (preferably both), so that there is a record of them being at that healthcare centre or aged care facility.

It would be advisable for contractors to sign in to ensure they themselves have a record of their time on site as an extra precaution that other records of their visit may not have been kept.

**Q. What is defined as a health care facility?**

Any facility or location that provides, or arranges the provision of, personal health services or public health services

**Privacy**

**Q. What information do I have to collect?**

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 of their visit.

### **Q. What should I tell my customers about privacy?**

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. See the Office of the Privacy Commissioner's advice on Covid tracing at [www.privacy.org.nz](http://www.privacy.org.nz) for an example.

### **Q. Can I use sign-in records of customers for other purposes like marketing?**

No. Information collected to support contact tracing cannot be used for other purposes. The records should only be used for the public health reasons specified. For instance, it cannot be used as a mailing list, or to allow staff to contact customers.

### **Q. How do I keep the sign-in records secure?**

Customers should not be able to view the details of others who have signed into the business or service. Physical records should be stored securely in a place where only those that may need access can access them.

### **Q. What do I do if I accidentally lose physical or electronic sign in records and they cannot be recovered? What do I do if I accidentally destroy physical or electronic sign in records prior to the 60 retention period elapsing?**

You should make use of the NotifyUs tool on the Office of the Privacy Commissioner's website <https://privacy.org.nz/responsibilities/privacy-breaches/notify-us/>. [You should also inform the [we are slightly unclear here - should they also inform MOH?]]. If you inadvertently destroy physical or electronic records prior to the 60 day retention period elapsing, you should inform [You should also inform the [should they also inform MOH?]]

### **Q. What are the best alternative sign-in systems for those who can not use the Covid tracer app?**

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

There is no one right method of collecting. Do not use a paper-based register if it is left in a public-facing position where personal information is visible to others. This is a leading cause of Covid-related privacy breaches.

### **Q. As well as a QR code, businesses must have other record-keeping systems to enable record keeping. How many other record keeping systems do I need to keep?**

You need to display a QR code and have one alternate form of record-keeping for people who do not use the COVID Tracer App. See question above for examples.

### **Q. How long do business have to keep the records for?**

[60] days. When this time elapses, you must securely destroy the physical records (i.e., manual sign-in records) and electronic records if alternative methods were used like a tablet or a 'burner phone' which individuals text into. If you ordinarily use electronic sign-in as part of your business, e.g., you operate a gym, secure deletion is not required for the purposes of this order.

### **Q. Where can businesses and organisations get advice on privacy requirements?**

More information is available from the Office of the Privacy Commissioner at [www.privacy.org.nz](http://www.privacy.org.nz)

### **Q. Will my information be kept private?**

If you are visiting somewhere and manually recording your visit, the businesses or location must comply with the Privacy Act 2020 and take reasonable steps to ensure your information is kept private and stored securely. Businesses and locations are advised to use methods like a ballot box to collect people's information for contact tracing purposes. This avoids other people from seeing it unlike on a list which includes multiple people's contact details.

## **Events**

### **Q. What kinds of events do these requirements apply to?**

Both commercial, ticketed events and gatherings such as weddings are included in the requirements. Indoor event facilities like theatres, concert venues and cinemas are also required to have processes in place, which could differ depending on the type of event.

Some events may already record the contact details of attendees, this would be adequate for use if contact tracing needed to take place. For example a small business conference, where details for registered guests would be recorded anyway, so long as they include contact information, would already meet the mandatory record keeping requirements based on what they already record. They wouldn't need to implement additional measures.

### **Q. Who is responsible, the event venue owner or the event organiser?**

This can be decided between the venue owner or operator, or the organiser/hirer of the venue.

### **Q. Would event staff and volunteers be responsible for making sure people are record keeping?**

There is no requirement or expectation for staff or volunteers to enforce the record keeping requirement. Events should have processes in place to ensure staff are made aware of the record keeping procedures in place, and where practicable encourage or remind guests to sign in or make a record of their visit.

### **Q. Do gatherings at private homes need to have measures in place, for example a BBQ, or wedding shower or flat party?**

Private residences are excluded from mandatory record keeping requirements which also don't apply if every person aged 12 years or older at the controlled gathering knows, and can identify for the purposes of contact tracing, every other person aged 12 years or older who is attending the controlled gathering.

Anyone who is hosting a private gathering can always use the Ministry of Health [self-service webform](#) to download their own QR code poster for display, or record guests attendance in another way, making sure to tell guests this will be used for contact tracing purposes.