# COVID Check App – Guidance for venues

Last updated **28 September 2021**

From the 1st October 2021, people will have to be prepared to show proof that they have been fully vaccinated (or are otherwise exempt) to get into certain late night premises and certain events. It will be a legal requirement for certain organisations / venues to take all reasonable steps to verify the vaccination status of those who visit the organisation / venue, prior to allowing entry. Further guidance setting out compliance measures with the legal requirements is available on the [gov.scot](https://www.gov.scot/publications/coronavirus-covid-19-vaccine-certification-scheme-businesses-event-organisers/) website, including details on the requirement for a compliance plan by 18 October 2021.

Organisations / venues can use the COVID Check App to verify whether an individual has been fully vaccinated against COVID-19 or has met negative testing or exemption requirements. The COVID Check App is designed for use in scanning and verifying COVID status QR codes. These QR codes can be presented by an individual in a number of ways, for example via a digital app or an officially issued paper copy.

This guidance is for organisations/venues that will use the COVID Check App within Scotland.

This guidance does not constitute legal advice and it is the sole responsibility of all organisations / venues to ensure they are using the COVID Check App in the manner it is designed for, and that the organisations / venues are complying with all relevant legislation (including data protection legislation).

In verifying an individual’s COVID status, and as such dealing with an individual’s personal data an organisation will be deemed a data controller under data protection legislation. Such verification may be carried out digitally by organisations / venues using the COVID Check App. The ICO’s [COVID Status Certification: data protection expectations](https://ico.org.uk/media/2619772/covid-status-certification-dp-expectations.pdf) document confirms that “*where digital verification takes place, for example through scanning a QR code, this would be processing of personal data – even if the organisation did not keep a record”.*

Organisations / venues will also want to ensure their employees, agents etc are aware of the importance of ensuring all personal data controlled in the verification process is kept confidential and that employees, agents etc are discrete in dealing with the public in the verification process. Further to this, organisations / venues may want to consider whether their employment contracts, agency contracts etc contain sufficient confidentiality provisions.

Further guidance on responsibilities under data protection can be found here: <https://ico.org.uk/for-organisations/>.

A Data Protection Impact Assessment (DPIA) for the COVID Check App has been carried out by NHS Education for Scotland, as part of a general impact assessment, so organisations / venues are not obligated to complete a separate DPIA, although organisations / venues may choose to carry out their own DPIA.

The COVID Check App can be downloaded for free by any organisation / venue that requires to verify the COVID status of attendees at a venue / event. The COVID Check App is designed for use in scanning and verifying COVID status QR codes and must not be used for any other purpose.

When verifying an individual’s COVID status, and as such controlling an individual’s data, organisations / venues will be required to display a privacy notice. A template privacy notice has been created and is available to download on [www.covidcheck.scot](http://www.covidcheck.scot). This template privacy notice may be used by organisations / venues to satisfy this requirement or organisations / venues may choose to produce their own privacy notice.

## **What you need to do**

Any visitors to your venue who are required to provide evidence of their COVID status may provide such evidence by way of a QR code issued by a trusted authority. The presence of this QR code is to allow you to use the COVID Check App to scan and verify that the visitor is fully vaccinated against COVID-19 or has met negative testing or exemption requirements.

The visitor can show you their QR code from their mobile device or from a paper copy. Both can be scanned using the COVID Check App.

Once you have scanned the QR code on your device and verified an individual’s vaccine status, follow the Scottish Government’s Guidance on what premises and event’s organisers need to do: [Coronavirus (COVID-19): vaccine certification scheme - information for businesses and event organisers - gov.scot (www.gov.scot)](https://www.gov.scot/publications/coronavirus-covid-19-vaccine-certification-scheme-businesses-event-organisers/)"

If a visitor to your venue does not want to show you, or is unable to show you evidence confirming their Covid status you may not be able to permit that individual entry to your venue, in line with legislation (unless they are otherwise exempt, in line with Scottish Government guidance on [‘Dealing with Exemptions’](https://www.gov.scot/publications/coronavirus-covid-19-vaccine-certification-scheme-businesses-event-organisers/), for example they may have a Certificate of Medical Exemption or a Certificate for Clinical Trial Participants).

Note that some visitors from outwith Scotland may present with a QR code that provides evidence of a recent Covid test result or of natural immunity. The NHS Scotland Covid Check App can read these QR codes as well, however they are not in use in Scotland and they should not be accepted.

**Where to display your COVID Check Privacy Notice**

A template privacy notice poster will be made available on [www.covidcheck.scot](http://www.covidcheck.scot). for you to download, update with organisation / venue details and print, should you wish to use this template as your privacy notice. You should display your privacy notice at all entrances to your premises where the visitors will be asked to provide COVID status evidence.

The displaying of a privacy notice is required to meet your obligations under data protection legislation specifically:

* UK GDPR Article 13 – Information to be provided where personal data are collected from the data subject

## **If you own or manage more than one business or venue**

If you own or manage more than one business or venue, and they're in different places, you'll need to display a privacy notice at each venue and at each relevant entrance.

## **Support and feedback**

If you want to ask for support or to give feedback about the COVID Check service you can email: nes.covid-check.support@nhs.scot.