

## **POLICY NOTE**

### **THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) AMENDMENT (NO. 11) REGULATIONS 2020**

#### **SSI 2020/241**

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 (“the Act”). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

These Regulations amend the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the principal regulations”) with the effect that a person responsible for hospitality premises is required to collect information about visitors to those premises, including the visitor’s contact details and the date and time of arrival. The Regulations make provision for the recording, storage and retrieval of the visitor information in a system suitable for that purpose and for the retention period of the information. The Regulations also require the visitor information to be provided by the person responsible for the premises to public health officers, if so requested, within a certain time period and for certain purposes.

#### **Legislative background**

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the principal regulations, to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. The principal regulations came into force on Thursday 26 March.
2. The restrictions and requirements imposed by the principal regulations must be reviewed at least once every 21 days. As soon as the Scottish Ministers consider that any restriction or requirement is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must revoke that restriction or requirement.
3. On 21 May 2020 the Scottish Government published a route map setting out a phased approach to easing lockdown restrictions while still suppressing coronavirus (COVID-19). The route map recognises that the restrictions and requirements in place have a negative impact on some aspects of people’s lives, such as increasing loneliness and social isolation and have potential to deepen inequalities and damage our economy.

#### **Policy Objectives**

4. Following the review required by 9 July 2020, Scottish Ministers decided to progress to Phase 3 of the route map. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 7) Regulations 2020 were made on 9 July and introduced a number of changes for the purposes of implementing certain Phase 3 policies. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 8) Regulations 2020 were made on 14 July and introduced a number of further changes for the purposes of implementing certain

Phase 3 policies. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 9) Regulations 2020 were made on 21 July and introduced some further changes for the purposes of implementing certain Phase 3 policies. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 10) Regulations 2020 were made on 7 August and introduced changes to face coverings, to extend the settings in which they are required, to exclude face shields from the definition of a face covering, and to require those responsible for certain premises to take measures to minimise risk of exposure to coronavirus.

5. As lockdown measures continue to be eased, additional measures may become necessary to limit the spread of Covid 19. The Scottish Government's guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the route map. The revised guidance is available at [www.gov.scot/collections/coronavirus-covid-19-guidance](http://www.gov.scot/collections/coronavirus-covid-19-guidance).

#### *Requirement to collect and retain visitor information*

6. The Regulations insert a new regulation 4ZA into the principal regulations to require a person responsible for certain premises to collect information about visitors to those premises, including the visitor's contact details and the date and time of arrival. The premises covered are restaurants, cafes, bars, public houses and hotels in which food or drink is sold for consumption on the premises. The Regulations require the visitor information to be recorded, in a suitable way, and stored for a period of at least 21 days from the date of the visit.

7. The Regulations additionally provide for the visitor information to be provided by the person responsible for the premises to public health officers, if so requested, within a 24 hour period for the purpose of preventing danger to public health as a result of the spread of infection or contamination with coronavirus, or for monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease. It will be an offence to contravene a requirement in new regulation 4ZA.

#### **Consultation**

8. There has been no public consultation in relation to this instrument. Where possible, the Scottish Government has informally consulted with public bodies and other relevant stakeholders affected by the Regulations.

#### **Impact Assessments**

9. An Equality Impact Assessment and a Business and Regulatory Impact Assessment have been completed and are attached. A Data Protection Impact Assessment for these provisions has also been undertaken and will be published shortly. Other Impact Assessments have not been prepared for this instrument. The provisions of the Regulations are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government  
Directorate for Constitution and Cabinet  
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