



Department
of Health &
Social Care

*From the Lord Bethell
Parliamentary Under Secretary of State for Innovation (Lords)*

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Lord Kinnoull
Chair
European Union Committee
House of Lords
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23 October 2020

Dear Lord Kinnoull,

I am pleased to provide an update to my letter of 6 August 2020 following the national roll out of the NHS Covid-19 App. You may wish to know that since its launch on 24 September the app has been downloaded over 16 million times.

The committee has expressed an interest in getting more information on the Google / Apple API; data privacy and data retention; interoperability of the app; and, assessment of the app against the EU toolbox on contact tracing apps. I have set out below detailed responses on each of these.

The app's performance has been optimised following work between NHS Test and Trace and Google and Apple to improve the performance of the Exposure Notification API behind the app.

The app has also benefited from improvements to software to ensure that we can obtain the maximum possible performance out of the system and further improvements to the distance, duration and risk estimation characteristics of the API.

Through better modelling of transmission characteristics, we have been able to reduce the number of people who are likely to be asked to self-isolate in error. We continue to work with Apple, Google and The Alan Turing Institute to optimise the app and are confident that there are further improvements to come.

The app is designed to the highest standards of data privacy and data security. It cannot track a user's whereabouts, and it cannot tell anyone who or where a user is. To accompany national roll-out we have published an updated version of the Data

Protection Impact Assessment, Privacy Notice, Terms of Use and accessibility statement.

Data collected by the app is held only on a user's phone for a limited time. Some anonymous analytics data may be reported to the Department of Health and Social Care (DHSC) secure computing infrastructure database. For example, diagnosis keys are retained on the user's phone for 14 days and are then deleted (14 days is the incubation period for the virus). Submitted diagnosis keys are retained on the DHSC secure computing infrastructure for 14 days and then deleted. So, the maximum age of a diagnosis key that has been distributed to DHSC secure computing infrastructure is 28 days.

QR codes that are scanned by the user when visiting venues are automatically deleted after 21 days. This is to take into account the 14-day incubation period, and 7-day infectious period of the virus.

The retention period for analytics data is subject to confirmation. Data submitted by app users will not contain direct, indirect or consistent identifiers meaning that retention should not be considered in the context of General Data Protection Regulation. However, retention of datasets and records needs to be set even where it does not constitute personal data. This applies to the analytical data noted above.

Retention of records associated with the app are likely to fall into two categories. Records which are used to: hold organisation's to account is held for 8 years; and, to monitor communicable diseases, for example in the COVID-19 Public Health Emergency, are retained for 5 years (if they contain personal data which is not the case in this instance) and 20 years for anonymous data prior to any review.

Retention for these records is governed by the relevant Section 46 Code of Practice, Public Records Act and statutory duties of the organisation's accountable (the Department of Health and Social Care).

With multiple apps now successfully operating within the UK, securing interoperability between them is an area of shared priority for the UK Government and Devolved Administrations. From launch, the NHS Covid-19 app has been available to English and Welsh users, meaning contacts between citizens in both countries can be detected and acted upon.

We continue to work closely with the Devolved Administrations, Crown Dependencies and Gibraltar to secure interoperability between our apps. This is of particular importance to citizens who frequently travel between these countries. We will jointly introduce a technical solution once we are assured it will function effectively to the benefit of citizens. We are currently evaluating emerging interoperability standards to understand how we may be able to align with them.

We have engaged closely with Google and Apple, scientists within The Alan Turing Institute and Oxford University, medical experts, privacy groups, at-risk communities, and teams in countries across the world such as Germany, New Zealand, Ireland and Northern Ireland, who are using similar apps, to bring a state-of-the-art contact tracing product to market that is safe, simple to use and secure. Existing law and National Health Service standards set out a framework of protective measures to ensure the NHS COVID-19 app meets the level required to keep data secure. We have worked closely with the National Cyber Security Centre throughout the development of the NHS COVID-19 app to ensure its security.

Best Wishes,

A handwritten signature in dark ink, appearing to read 'Bethell', with a stylized, cursive script.

Lord Bethell