



Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
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Our reference:
MC2021/13513

William Wragg MP
Chair, Public Administration and
Constitutional Affairs Committee
House of Commons
London
SW1A 0AA

By email: pacac@parliament.uk

28 June 2021

Dear William,

Thank you for your letter of 24 June relating to the NHS COVID Pass.

I would like to reassure the Committee that it remains the case that no final decisions have been made on the domestic use of COVID-status certification, and I therefore disagree with your assessment that the Government is in contempt of Parliament. We remain committed to setting out the conclusions of the Certification Review ahead of Step 4 of the Roadmap. As announced by the Prime Minister on 14 June, the decision was taken to pause Step 4 for up to four weeks.

You are correct that the NHS app was recently updated to increase its functionality. This has been done so that the app can be used for the third phase of the Events Research Programme, led by the Department for Culture, Media, and Sport. The Secretary of State for Health and Social Care announced and confirmed this third phase of pilots in an oral statement to the House last week (*Hansard*, Volume 697, Column 76, 14 June 2021). As announced previously, these pilots allow individuals to demonstrate certification based on vaccination, testing, or natural immunity. These pilots will give us vital evidence about using COVID-status certification in real-world environments, including evidence on public health impact. This will help to inform the ongoing review. The relevant GOV.UK page¹ is clear on these points, stating that:

From 21 June, the NHS COVID Pass will also allow individuals to demonstrate their COVID-19 status at a series of event trials in England. You will not be asked to use the NHS COVID Pass in a domestic use setting unless you have been invited to take part in the Events Research Programme trials.

¹ *Demonstrating your COVID-19 vaccination status* (<https://www.gov.uk/guidance/demonstrating-your-covid-19-status>)

Thank you again for writing on this matter, and I look forward to continuing to update the Committee on progress of the Review.

With every good wish,

A handwritten signature in black ink, appearing to read 'Michael Gove', with a stylized, cursive script.

**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
and Minister for the Cabinet Office**



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Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office
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24th June 2021

Dear Mr Gove,

The introduction of the NHS Covid Pass on the NHS app for domestic use

We are aware of the Government's plans to allow 65,000 fans into Wembley for the Euro 2020 semi-final and final, and that access to the venue will be on the basis of proving vaccination status, rather than on the basis of testing, as was the case with all trial events to date. We note that the privacy notice for the NHS app was changed on 21st June and a "Covid Pass" has been introduced to the app which states it is to be used for "*events in England and travel abroad*". These facts imply that a decision has been made by the Government to use Covid status certificates (now called NHS Covid Passes) domestically, without any notification to this Committee or to Parliament, let alone providing an opportunity for debate and to vote on such a significant policy.

At the evidence session on 27th May, you indicated that an announcement may be made regarding your review on 14th June as part of the announcement for Step 4 on the Government's roadmap for easing restrictions. No such announcement was made and as far as we are aware your review has not yet concluded, and certainly has not been published.

As you are aware, the Committee published its report on Covid-status certification on 12th June. The Report was clear that the Government has not made the scientific case for the introduction of certificates domestically, and that the use of certificates poses serious ethical, discrimination, and data protection concerns, as well as likely placing extra unnecessary burdens on businesses and individuals. Our recommendation was that the Government abandon the proposals immediately and if the Government felt a need to press ahead, it must present the necessary evidence and scientific case for this policy position.

Furthermore, you will recall that during your appearance, the Committee expressed concern to you about the inclusion of a Covid-status certificate for international travel on the NHS app being launched without consultation or notification of Parliament. We made clear in the Report that this was an unacceptable approach to introducing a



significant policy and could be "*construed as contempt of Parliament*". Given the Committee's clear communication on this point, it is hard to see the Government's introduction of the "Covid Pass" for access to domestic events as anything other than direct and deliberate contempt of Parliament.

The Euro 2020 semi-finals and final were planned ahead of the launch of the new feature on the app, and as no announcement has been made as regards the adoption of Covid-status certification for domestic use, this raises the question of what communication has there been with the FA and UEFA regarding entry requirements to Wembley stadium and the use of the "Covid Pass" instead of testing?

Given the seriousness of the actions of the Government, could you provide a full account of how and when the decision to introduce the "Covid Pass" was made, and why the Government has deliberately avoided consultation with the House on such an important issue. The Committee would also appreciate you setting out the legal basis on which the capacity has been raised to 65,000, for the introduction of Covid Passes and for private companies to use Covid Passes as a requirement for entry to a venue.

I expect a full response by 10 am Monday 28th June. If a satisfactory response is not provided by this time, I will make representation to the Speaker to raise an urgent question on this issue and the Government's side-lining of the House of Commons when making such significant policy decisions.

Yours sincerely,


William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee