



Briefing

QR CODE DISPLAY: FURTHER SPECIFYING LOCATION, QUALITY AND QUANTITY

To: Hon Chris Hipkins
Minister for COVID-19 Response

Date	12/08/2021	Priority	High
Deadline	16/08/2021	Briefing Number	DPMC-2021/22-88

Purpose

This briefing recommends amendments to the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 to further specify the location, quality and quantity of QR codes.

Recommendations

1. **Note** that good record keeping supports efficient contact tracing in response to a COVID-19 outbreak. However, low usage of the COVID Tracer App slows down notification of contacts when community transmission appears to be present.
2. **Note** you previously directed officials to progress work to further specify the location, quality and quantity of QR codes to make it easier for people to scan QR codes using the NZ COVID Tracer App [DPMC-2020/21-573 refers].
3. **Agree** to amend the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 to require a person in control of a workplace to ensure:
 - 3.1. additional copies of a QR code are displayed, in places other than just in the entranceway;
 - 3.2. there is an additional copy of the QR code displayed on every table or menu in restaurants, bars and cafés;
 - 3.3. the QR code poster is printed in colour and is in good condition;

YES / NO

AND

YES / NO

AND

YES / NO

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IN-CONFIDENCE

AND

3.4. the QR code is not altered in a way that makes it unclear that it has been issued by the New Zealand Government for the purposes of contact tracing, but that this requirement does not apply to the QR codes described in recommendation 3.2. YES / NO

4. **Agree** to amend the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 to require those in control of a public transport service to:

4.1. display additional copies of a QR code, in addition to the existing requirement to display a copy in a prominent place on or inside any vehicle; YES / NO

AND

4.2. the QR code poster is not altered in a way that makes it unclear that it has been issued by the New Zealand Government for the purposes of contact tracing; YES / NO

AND

4.3. ensure the QR code poster is printed in colour and is in good condition. YES / NO

5. **Agree** that the existing exceptions to the QR code display requirements continue to apply. YES / NO

6. **Agree** that public transport services provided in vehicles with five or fewer seats (e.g. some taxis and ride share services) be exempt from:

6.1. the requirement outlined in recommendation 4.1 to display additional copies of a QR code; YES / NO

AND

6.2. the requirement that the QR code be printed in colour. YES / NO

7. **Agree** that the existing enforcement options for non-compliance with the QR code display requirements continue to apply. YES / NO

8. **Agree** to consult with the Prime Minister, Minister of Justice and Minister of Health and Minister of Transport on the proposed amendments to the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 outlined in this briefing.

YES / NO

Ben White

Ben White
**Policy Manager, Strategy and Policy,
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12/8/2021

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Hon Chris Hipkins
Minister for COVID-19 Response

15/8/2021

Contact for telephone discussion if required:

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Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

Given hospitality venues will now be required to ensure patrons scan in or create some other form of record the requirement to display the code on all tables/menus seems excessive.

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Background

1. Good record keeping supports efficient contact tracing. During periods when there are no active cases in the community and the perceived risk of transmission is low, we have seen low usage of the NZ COVID Tracer App (the App). This slows down notification of contacts. For example, on 11 August 2021 there were 2.9 million registered users of the App, but only just over 500,000 daily scans. Inconsistencies in how QR codes are displayed may be presenting a barrier to some people scanning.
2. You are currently progressing proposals to mandate the use of face coverings and record keeping for contact tracing purposes at specified locations and Alert Levels. You are seeking agreement to these proposals at Cabinet on 16 August 2021. Mandatory record keeping is one key measure designed to improve record keeping behaviours in New Zealand, including by possibly increasing the number of registered users of the App and the daily QR code scan rates across the country.
3. Non-regulatory measures are also in place, or are being progressed, to positively influence record keeping behaviours and support fast communication with contacts of an identified COVID-19 case. This includes technology changes to the App, communication and engagement activities, and the ability to order hard copy record keeping booklets in 27 languages from the Unite Against COVID-19 (UAC) website.
4. To further support improved record keeping using the App, officials have been progressing work to further specify the location, quality and quantity of QR codes at your direction [DPMC-2020/21-573 refers]. This briefing proposes amendments to the COVID-19 Public Health Response (Alert Level Requirements) Order (No 8) 2021 (the Alert Level Requirements Order) to provide this greater level of specificity. The proposed changes are intended to make it easier for people to scan QR codes using the App, by removing some of the known barriers to scanning such as forgetting, inattention and social pressure.
5. We are seeking your agreement to these proposed amendments by 16 August 2021, so the amendments can be communicated at the same time as any amendments required to give effect to Cabinet decisions on mandatory face coverings and record keeping.

Current QR code display requirements

6. The current requirements to display QR codes are provided in clauses 8 and 9 of the Alert Level Requirements Order. A person in control of a workplace is currently required (subject to some exceptions) to ensure that a QR code is displayed in a prominent place at or near the main entrance of the workplace.¹ Those in control of a public transport service are

¹ The QR code display requirements in clause 8(1) do not apply if the workplace is a vehicle and only applies to the workplace of a business or service that is in a dwelling house if customers or clients customarily enter the dwelling house, or if the workers of the business or service customarily enter the dwelling house (and those workers are not residents of the dwelling house or providing a category A social service).

required (subject to exceptions) to ensure that a copy of the QR code is displayed in a prominent place on or inside any vehicle that is in use as part of that service.²

7. A breach of these requirements is an infringement offence. A person who commits the offence is liable for an infringement fee of \$300 or a court imposed fine not exceeding \$1,000.³ If passed, the COVID-19 Public Health Response Amendment Bill 2021 will increase these maximum infringement offence penalties to a \$1,000 fee and \$3,000 court imposed fine.
8. Requiring a QR code in a prominent place, at or near the main entrance of a business or workplace, or on or inside any vehicle, provides a clear visual cue to scan when entering that business or public transport service. This is significant in starting a habit.
9. The disadvantage of the current requirements is that there only has to be one QR code poster displayed. This could deter some people from scanning, particularly at businesses or workplaces where there is a queue to scan the QR code poster at or near the main entranceway. For example, people may enter the store and then forget to scan before leaving. Others may feel uncomfortable or awkward about stopping to scan in a potentially high-traffic area of the store, leading to the creation of a queue and holding up others. This scenario also has public health implications, if physical distancing is more challenging as a result.

Proposed expanded QR code display requirements

10. The requirements to display QR codes can be strengthened by setting rules about:
 - a) the regularity of which QR codes at a workplace and on a public transport service should be displayed;
 - b) where the QR code should be displayed; and
 - c) how the QR code should be maintained.
11. Doing so will reduce barriers to scanning and support more people to scan, making it more of a habitual behaviour.

Display of QR codes in a workplace

12. Officials consider that more people could be encouraged and supported to scan QR codes in workplaces if the quality and quantity of visual cues to scan QR codes are increased. This will reduce the likelihood of App users forgetting to scan. Forgetting has been found to be a key barrier to scanning in low frequency locations, including workplaces, schools and public transport.⁴
13. Inattention, social pressure from others waiting to scan, and doorway bottlenecks have also been identified as barriers to scanning.⁵ Requiring at least one QR code in a location other

² The QR code display requirements in clause 9(1) do not apply to a public transport service if all of the persons using the service are required to supply their contact details in order to use the service, or the service is a school transport service.

³ Section 26 of the COVID-19 Public Health Response Act 2020.

⁴ *Understanding how to change NZ COVID Tracer app behaviour through targeted communications* (TRA, May 2021).

⁵ *Applying behavioural science techniques to increase NZ COVID Tracer app adoption* (PWC, November 2020).

than the entranceway would help to remove this friction and increase scanning frequency. The reduced likelihood of queues forming in shop entranceways is also beneficial from a public health perspective. These amendments would also encourage scanning as more of a habitual behaviour.

14. At restaurants, cafes and bars we are proposing that a QR code should be included on every menu or table. These places are considered high-risk venues for the transmission of COVID-19 but, for practicality reasons, you are currently proposing that face coverings are not required at them. It will therefore be especially important to ensure good record keeping takes place at these venues, and strengthening QR code display requirements at these venues will remove friction barriers to scanning (i.e. making it easier to scan) and provide clearer cues to scan for those making their record using the App.
15. To implement these changes, officials recommend amending the Alert Levels Requirements Order. Once the changes take effect, a person in control of a workplace will continue to be required to display a QR code for the workplace in a prominent place at or near the main entrance of the workplace. In addition, a person in control of a workplace will also be required to:
 - a) display additional copies of the QR code elsewhere (including on tables or menus if the workplace is a restaurant, café or bar) so that QR codes are brought to the attention of people who enter the workplace and are easy to use;
 - b) ensure the QR code includes the information about it being issued by the New Zealand Government (i.e. Government branding is not removed from the poster before it is displayed); and
 - c) ensure the QR code poster is printed in colour and is in good condition, providing a clear visual cue to scan.
16. There is currently a small-scale pilot underway that will support compliance with this expanded QR code display requirements. The pilot is targeted at smaller, under-resourced businesses, enabling them to order bespoke QR code collateral from the Unite Against COVID-19 website. Collateral able to be ordered will include smaller sticker QR codes for menus or tables, and posters.

Display of QR codes on public transport services

17. Linked to the forgetting, inattention and social pressure barriers described above, rates of scanning on public transport services could be increased if more QR codes were required to be displayed throughout the vehicle, enabling passengers (sitting or standing) to easily access the QR code to scan while boarding, travelling or disembarking the vehicle.
18. Officials are proposing to require public transport services (with some exceptions, including for aircraft) to display additional copies of a QR code, in addition to the existing copy required to be displayed in a prominent place on or inside any vehicle. This broadened requirement is intended to make it easier for all passengers in the vehicle to scan. In practice, this could involve having more QR codes on the back of seats, windows or handrails to increase the likelihood of passengers scanning.⁶ The QR code posters will need to be printed in colour and

⁶ A requirement that a QR code be displayed on the back of every seat of a bus is not practical for operators. There are approximately 2,600 public transport buses in New Zealand, with an average of 50 seats per vehicle. Requiring on a QR code on the back of every seat would require around 130,000 additional QR codes to be fitted. Handrail two-sided cardboard QR code flags cost approximately \$8 each and signs on windows cost approximately \$2 each.

in good condition, and displayed in a way that is clearly identified as being issued by the New Zealand Government.

19. To implement these changes, officials recommend amending the Alert Levels Requirements Order.
20. Current exceptions will largely remain the same. However, officials are proposing that public transport services provided in vehicles with five or fewer seats (i.e. some taxi and rideshare services) are exempt from the requirement to display additional QR code posters and for their QR code poster to be printed in colour. In a smaller vehicle, being able to scan a single QR code poster will be easier for all passengers. Re-printing this poster in colour is unlikely to materially increase rates of scanning, given the small space and less need for a colour-related cue to scan. The cost and practicality of meeting these requirements for these providers would likely outweigh the benefit.
21. Existing enforcement options for non-compliance will continue to apply to the proposed expanded requirements outlined above. WorkSafe advises that the proposals will not significantly impact on their existing enforcement role, which principally involves responding to complaints about non-compliance with the QR code display requirements. There will continue to be no expectation or requirement on employees or public transport operators to enforce non-compliance with any record keeping obligations agreed to by Cabinet.

Next Steps

22. Pending your decisions on this briefing, officials will finalise drafting with the Parliamentary Counsel Office. These amendments to the Alert Level Requirements Order will be progressed as part of the broader suite of changes on mandatory record keeping and face covering requirements you are seeking Cabinet's agreement to on 16 August.
23. Any QR code display requirements agreed to would take effect at the same time as mandatory record keeping and face covering regulatory systems are in place, if agreed to by Cabinet, in October 2021. An "encourage" approach would be adopted between announcement and October 2021.

Consultation

24. The Ministry of Health, New Zealand Police, Parliamentary Counsel Office, Crown Law Office, Ministry of Justice, Ministry of Business, Innovation and Employment, Ministry of Transport and WorkSafe have been consulted on this briefing.
25. Consultation with Business New Zealand, Hospitality New Zealand and Restaurant Association of New Zealand showed general support for strengthened QR code display requirements. Feedback noted that smaller format QR code posters would be beneficial, as would Government providing physical copies of QR codes to businesses to help them meet these requirements. Clear communications about what is required, including what constitutes "good condition", was recommended. Support was much lower for the requirement to display a QR code on every menu or table, due to the associated cost (e.g. if menus need to be re-printed), sanitation requirements, inconsistency with the ambience or style of a business, and the perception that this requirement was overzealous.
26. Consultation with the public transport sector confirmed that most operators of public transport bus, train and ferry services are already compliant with the expanded requirements proposed in this briefing. While the number of QR codes varies between

buses, e.g. colour copies are already spaced at regular intervals throughout most vehicles. However, the ability, and cost, of administering, printing and maintaining the existing QR code posters was consistently noted as a concern.

Communications

27. Any decisions made in response to this briefing will be communicated when Cabinet's decisions on mandatory face covering and record keeping requirements are announced, once these have been considered by Cabinet.
28. Clear public messaging on any new requirements, including what is expected of individuals, will be communicated to the public and key stakeholders via official UAC channels. Communications will be tailored to specific audiences and guidance will be provided where appropriate.

Proactively Released