

## COVID-19

### Guidance on text messages and similar communications with NHSScotland registered individuals.

12 March 2020

Text message reminders about appointments have been used routinely for many years in some practices. The use of SMS for prevention and public health campaign is less common but it is not new.

Some organisations within the NHSScotland have been recently using text messages to communicate with patients about what to do with their appointments and attendance to certain locations, as a part of the containment measures for COVID-19.

Scottish Government wants to give re-assurance with regards to this measure. During these difficult times, sending text messages to patients with further instructions around their health care, including attendance or not at certain premises and appointments, is necessary for reasons of public interest in the area of public health (exception point (i) (public health) on Art. 9(2)).

From the Privacy and Electronic Communications Regulations (PECR) point of view, these messages are not considered to be advertising or marketing material, but instead they provide further advice or instructions in relation to their health care, including attendance at appointments or non-attendance to specific locations, etc.

This is also in line with existing guidance provided by the Information Commissioner's Office - ICO (<https://ico.org.uk/media/2616882/direct-marketing-code-draft-guidance.pdf>) regarding Direct marketing.

The ICO also raised the matter of text messages at last Caldicott Guardian's Forum (5<sup>th</sup> March 2020), and stressed the importance of wording the message appropriately, and taking account of the balance of interests when protecting the population in a situation of crisis.

The ICO latest Qs&As on COVID-19 and data protection can be found here: <https://ico.org.uk/for-organisations/data-protection-and-coronavirus/>.

As a healthcare organisation, can we contact individuals in relation to COVID-19 without having prior consent?

Data protection and electronic communication laws do not stop Government, the NHS or any other health professionals from sending public health messages to people, either by phone, text or email as these messages are not direct marketing. Nor does it stop you using the latest technology to facilitate safe and speedy consultations and diagnoses. Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health. [More information for health and care professionals here.](#)

*Source: ICO website. Data Protection and corona virus.*

Having been shown a few messages that have been issued by GP practices, we have considered appropriate to issue some advice and examples.

- There is an expectation that senders of text messages clearly identify themselves. At the moment some people are just receiving messages from a random mobile number, with no indication if that mobile number can be used for any other purposes (e.g. are people trying to reply to the message, call the number).
- Wherever possible refer to a trusted source of contact numbers (e.g. NHS 24, NHS Inform, a health board or a GP website) . There is a risk of messages being ignored because people may think it is spam or a scam.
- If considering texting test results, ensure the person understands this is the means of communication to be used. This is important in order to ensure there is a reasonable expectation that the result will be communicated in this manner to an agreed and verified number.
- Provide advice to staff to ensure every opportunity is used to verify the phone numbers of individuals that they hold.
- Use plain English and consider easy read messages that everyone can understand and is culturally appropriate.
- Ensure the message doesn't add unnecessary confusion, specially across the elderly or any groups who may not be greatly familiar with digital technologies or the NHS services. Do not make big assumptions. Keep it clear and simple. When choosing the words, be sensitive about the psychological and emotional reactions that a people may experience as a result.
- "We will call back" - When advising the public that your service will call back, ensure risk for spam and fraud are minimised, for example:
  - In your website, clarify that you will not call back unless the person has initiated the communication (first call), and that you will not require them to:
    - provide your financial details or passwords as part of any COVID-19 communications
    - "verify" or "update" your details or "reactivate" an account or anything like that.
    - reply to the text message
    - If you think you might have responded to a text message scam and provided your personal or financial details, contact your bank immediately.

- Your website should also include advice in case of suspicious Coronavirus call, for example:
  - If you think you have received a call or text message related to corona virus that you think is fraudulent please refer to the Action Fraud website.  
<https://www.actionfraud.police.uk/alert/coronavirus-scam-costs-victims-over-800k-in-one-month>
- When possible, indicate a time frame in which the person should expect the call back and ensure this is updated if needed (e.g. in the event of delays in call handling etc.).
- Consider an option for those who cannot read due to eye sight, cognitive difficulties or with literacy and language problems. Perhaps in addition to the website, a recorded message should also be available when telephone contact is made with the GP Practice/health board.
- Also remember that the general SMS good practice guide (2012) is still applicable <https://www.ehealth.scot/wp-content/uploads/documents/SMS-Good-Practice-Guide-30-August-2012.pdf>
- Evaluate the benefit for patients and the wider NHS before you decide to use SMS for whatever specific communication you have in mind.
- Additional security advice is provided by the National Cyber Security Centre: Protecting SMS messages used in critical business processes.  
<https://www.ncsc.gov.uk/guidance/protecting-sms-messages-used-in-critical-business-processes>
- **If you have any doubts, follow the advice from your health board Data Protection Office as well as the Communications Department.**

### **TEXT MESSAGE EXAMPLE FOR NOT ATTENDING YOUR APPOINTMENT**

“If you have symptoms of Coronavirus please DO NOT come to your appointment.

Phone [GP Practice name/health board] on [Telephone number] or the NHS 24 helpline on 0800 028 2816.

You can find the most up to date information about Coronavirus on [www.nhsInform.scot](http://www.nhsInform.scot) website.

Whenever possible we recommend that you check the numbers provided above with any previous information you have about your GP Practice/health board, including their telephone number and website before dialling to avoid fraudulent messages.

[sender]”

### **TEXT MESSAGE EXAMPLE FOR CHANGES TO APPOINTMENTS**

“To ensure patient safety during the Coronavirus outbreak, the way we normally offer appointments is temporarily changing.

The [name of the relevant health service] will close from dd/mm/yy until further notice/OR INSERTDATE.

If you feel you require to see a [GP/HEALTH PROFESSIONAL] urgently, please phone (insert number) on the day to discuss how best to manage your situation.

For more information refer to our website [website] or call [NUMBER].

Whenever possible we recommend that you check the numbers provided above with any information you have about your GP Practice/health board, including their telephone number and website before dialling to avoid fraudulent messages.

[sender]”