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Is Personal Privacy Irrelevant During a Pandemic?

Jenna Tsui · Wednesday, April 15th, 2020

During an outbreak, surveillance can be an essential tool in managing public health. By tracking cases and studying the effectiveness of policies — like social distancing and shelter-in-place orders — officials can collect data to slow or stop the spread of disease. Governments around the world are beginning to leverage their surveillance powers and collect citizen information to help [manage the coronavirus outbreak](#). The implications of these moves has some privacy and civil liberties experts concerned, with some worried that emergency data collection powers may be in use long after the current crisis has abated.

Other privacy experts, while also cautious, believe that responsible surveillance may be possible — sparking a debate around the balance between personal privacy and health.

Governments Use Surveillance Tech to Manage Outbreak

In hundreds of cities in China, the [government required citizens](#) to download an app that automatically classifies them with a color code based on contagion risk. This code determines which citizens should quarantine, and which can enter public places.

In Lombardy, Italy, authorities are tracking citizens' cell phones to determine how many people are obeying the government lockdown order. In South Korea, security and health officials are using a mix of data — including cell phone GPS information, security footage and credit card purchase records, to track the spread of the virus.

Now, in the U.S., officials are pushing for the expansion of existing surveillance powers to help them track data related to the COVID-19 outbreak.

Many public health officials — in an attempt to monitor the success of social distancing policies and track the outbreak — are already purchasing bulk health data from advertisers.

While companies failing to comply with cybersecurity requirements and data stewardship regulations [can face steep penalties](#), data collection is, in general, loosely regulated. As a result, advertisers can easily sell the data they've collected to public health officials, without necessarily securing the consent of those the information is about.

These moves towards increased surveillance have many experts nervous. Some fear that expanding surveillance powers now would leave the door open to further use of it down the line. They consider the current slew of surveillance legislation reminiscent of the national security reforms

passed after the September 11 attacks — protocols that stuck around long after the emergency had ended.

Is Responsible Surveillance a Possibility in 2020 and Beyond?

Many privacy experts believe that governments can use surveillance technology responsibly to manage the outbreak — so long as they're willing to limit their data-collection powers significantly.

Those in favor of [responsible public health surveillance](#) have recommended that any expansion of powers result from the needs of public health staff as opposed to people in law enforcement and security. This measure could ensure that the development of abilities would provide only data that's useful to health professionals, rather than grab at whatever information is available.

Federal organizations could take other steps, too, to ensure data is collected and handled responsibly. For example, information gathered by new power could come with an expiration date. The government would be required to delete it once the emergency has passed, or at some set point in the future.

The data could also be sectioned off, like U.S. census information — its use only permitted by certain relevant groups and under the right circumstances.

Balancing Surveillance, Public Health and Personal Privacy During COVID-19

The current outbreak has pushed public health officials to ask for expanded surveillance powers that can collect extensive public health data. Privacy experts, however, are concerned that these powers won't end once the crisis is over.

As the coronavirus outbreak continues — and growing numbers of COVID-19 patients push hospitals to their limits — officials will likely want the best possible tools to gather health information, enforce social distancing policies and control movement.

While no new surveillance powers have been established yet in the United States, health officials will almost certainly continue asking for them into the foreseeable future. The debate around the balance between surveillance and personal privacy will only become more relevant.

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