

News from Senator George M. Borrello

57th Senate District

Representing Allegany, Cattaraugus, Chautauqua, and portions of Livingston County

For Release: Immediate, May 27, 2020

Contact: Lisa Hill (518) 496-2882

SENATOR BORRELLO CO-SPONSORS LEGISLATION TO PROTECT PRIVACY RIGHTS OF COVID-19 POSITIVE INDIVIDUALS

Legislation would establish safeguards for contact tracing technologies and create penalties for misuse of data

ALBANY, NY – As regions around New York State ramp up their contact tracing capabilities to help contain and prevent new cases of COVID-19, Senator George Borrello is co-sponsoring legislation (S.8327) that would help safeguard the privacy rights of affected individuals. Key provisions of the measure would establish penalties for misuse of contact tracing data and protect individuals who are the subject of contact tracing efforts by requiring their explicit consent to utilize any digital tracing program.

A fundamental disease control measure employed by local and state health departments for decades, contact tracing entails working with an infected patient to help them recall individuals they may have exposed to the illness. Public health staff then warn these exposed contacts and urge them to quarantine/isolate for 14 days to prevent wider exposure. Contact tracers employ a range of methods in their tracing efforts, from simple phone calls and in-person visits, to the use of sophisticated technologies that track the “digital footprint” of the patient.

“As our state moves forward with reopening our economy and taking steps to prevent new COVID-19 infection spikes, contact tracing will be a core strategy for containing spread of the virus. This time-tested public health practice has been used to help contain infectious diseases for decades,” said Senator Borrello.

“Today there are an array of high-tech tools that contact tracers can use to track the movements and interactions of infected individuals, from smartphone apps to surveillance footage and GPS data. As helpful as these technologies can be, they also raise a host of privacy concerns. This legislation is intended to address those issues while recognizing the important role of contact tracing as a vital public health strategy in our continuing fight against this virus,” he added.

A central provision of the measure would require that usage of any technology for the purpose of contact tracing would be voluntary and require an “opt-in” from the infected person. Users would also be able to revoke their consent at any time. The measure would also make the misuse or unauthorized dissemination of contact tracing data a class E felony as well as the unlawful use of a surveillance drone.

“The advent of the COVID-19 pandemic and actions taken to control its spread have forced us to endure some unprecedented limits on our freedoms in the name of public health. However, affected individuals can and should be protected from the personal privacy violations that can result from intrusive tracing technologies as well as the misuse of tracing data. The controls and criminal sanctions in this bill offer those needed protections,” said Senator Borrello.

###