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## The Balance between Surveillance and Privacy in the Fight Against COVID-19 By Will Orner, J.D. Candidate 2022

Surveillance is a <u>powerful tool</u> in the fight against the COVID-19, but such techniques can infringe on privacy. Throughout the world, countries have implemented aggressive surveillance programs to combat the disease. But for now, the United States has resisted taking this approach, choosing instead to only gather anonymized data.

Outside of the United States, countries are using intrusive surveillance measures to contain the pandemic. In Israel and Italy, authorities are monitoring mobile phone location data to identify exposure and assess compliance with lockdown orders. Singapore and South Korea post detailed information about where infected citizens live, work, and commute. Governments do not post names online, but the available data has been used to personally identify and harass those infected. And authorities in the People's Republic of China are using a smartphone app that assigns green, yellow, and red codes to classify citizens by their contagion risk. The government scans citizens' smartphones when they enter public spaces and tracks their location. This system limits movement and imposes quarantines on high-risk individuals. Observers fear that this infrastructure could be used for continued social control after the pandemic.

The United States is collecting aggregate, anonymized data to stem infection and better understand the disease. This approach does not weigh on privacy to the degree seen in other countries. Google said it will begin generating "COVID-19 mobility reports" for public health officials, which will contain anonymized, county-level movement data to identify high traffic areas. Already, companies are pinpointing locations where people are experiencing symptoms and mapping the location of atypical illnesses, indicative of spread. In addition, companies are considering using geolocation data to track the availability of hospital beds. And the C3.ai Digital Transformation Institute hopes to use artificial intelligence to forecast the disease's progression.

While the United States has not instituted surveillance programs like those seen in China, the government can use its <u>broad authority</u> during emergencies in this capacity. For example, normally the government cannot obtain precise user data from telecom or internet companies without user consent or a court order. But during an emergency, the government can circumvent these protections. These steps may not be far off. The federal government is in <u>talks with MIT</u>



about implementing an app that tracks COVID-19 patients and the people they come in contact with.

Surveillance measures have the potential to contain the virus and save lives, but these measures come with high costs to civil liberties. While individuals may be willing to trade off privacy in the short term, there is a risk that such technology will remain in place after the pandemic fades.