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Airlines Refuse to Collect Passenger Data That Could Aid Coronavirus Fight By Gayatri Raghunandan, LL.M. Candidate 2020 | February 2020

In the wake of the COVID-19 pandemic, the Health and Human Services Department issued a <u>temporary</u> <u>rule</u> requiring airlines to pass on contact information of exposed international passengers to the Center for Disease Control and Prevention (CDC). The rule will be in effect until the end of the pandemic, and enables the CDC to "require airlines to collect, and provide to CDC, certain data regarding passengers and crew arriving from foreign countries."

This is not the first time that the CDC has demanded that passenger information be monitored. In 2014, the Ebola outbreak revealed a huge gap in the infrastructure and, according to the CDC, it was the scarcity of contact information that restricted its ability to reach those affected. Data collection on passengers is a tactic that has been adopted by <u>countries like South Korea</u> to help combat the spread of the virus. The CDC believes that this is the only mechanism by which it can efficiently obtain the information it needs for a holistic response to a communicable disease outbreak, in a regulatory vacuum during such emergencies.

This gap in infrastructure dates back to the SARS outbreak, when the airlines refused to hand over information such as people's names, phone numbers, email addresses, the addresses where they would be staying in the United States and emergency contact information. The reason provided was that the collection of this data would take many months, and the retooling of computer systems was an arduous task. Neither the government nor the airlines attempted to put a system in place, and the 2014 Ebola outbreak witnessed a similar handicap in mitigation efforts. Subsequently, a mandatory rule requiring air carriers to collect and share information with the CDC was met with fierce lobbying and <u>a promise</u> to adopt a voluntary solution within a year of the government watering down the rule. A few years later, there is still no system in place, and a temporary rule to gather detailed information is met with disregard and ambiguity.

There is no doubt that there are privacy concerns with the collection of such personal data. Airlines also believe that further introducing an app to facilitate the collection will give the government far too much data than required. In the present political climate, privacy rights, especially in Europe, have only compounded growing technical issues for airlines. CDC officials have also made a point of telling the airlines about \$250,000 fines for non-compliance with this rule by mid-March. Interestingly, third party ticketing websites cater to nearly half of the industry's customers, and may also be able to provide quantitative information. This could be a viable option considering that the collection of such information may seem like a terrible burden on an already distressed industry. The CDC opened the rule to public comments and here's hoping that there is a concrete solution to this institutional gap.

