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Katten Data Privacy Leader Offers Thoughts on COVID-19 Contact Tracing

(NEW YORK) Katten announced today that partner Doron Goldstein, co-head of its Privacy, Data and Cybersecurity practice, was a contributor to a recent report, “Technology Governance in a Time of Crisis,” as part of a team of technologists, attorneys and ethicists from 13 countries.

Addressing privacy risks and other issues, the report published by the Human Technology Foundation details the benefits of deploying technologies to help combat COVID-19 and other public health crises. It emphasizes contact tracing, which involves identifying people who have an infectious disease and those with whom they have come in contact in an effort to interrupt disease transmission.

“COVID-19 has exposed both the challenges and benefits of technologies that can be used for contact tracing, and the report gives examples of how best to do that,” Goldstein said. “One of the things about the pace of technology and technological implementation is that you can’t sit back. It’s a constant process, and it is key to spend the time at the outset to think through both the positives and the challenges of using a new technology.”

As cities and states worldwide struggle to identify ways to stanch spread of the virus, allowing for further reopening of businesses and physical presence in schools, contact tracing is among the methods that have proven most useful. However, this approach raises not only privacy concerns, but also a range of other legal and ethical challenges, including issues of accessibility, transparency and discrimination.

The report identifies how contact tracing technology can be deployed in a manner that will help reassure users rather than leave them suspicious and worried about the use of their personal information. One key element of the report is that it gives examples and tools for decision-makers — both in the private and public sectors — to try to balance the concerns of individuals and public health and safety needs.

“Privacy and data concerns have been widespread for quite a while but the concerns are even more heightened during these uncertain times,” Goldstein said. “One of the key individual concerns about contact tracing processes is that — by their very nature — they need to have

some form of location-based tagging, so it means that someone or something knows where you have been, and those with whom you've interacted. The goal of the report and the appendices — which include evaluations of certain technologies, but also a sample impact assessment for other technologies — is to provide an analytical framework to consider the ethical, technological and legal issues, and create a balance depending on the particular circumstances, not just for COVID-19, but also future crises that may benefit from similar methodology.”

Goldstein, who also serves as Katten's privacy officer, helps clients from start-ups to multinational companies overcome complex and sometimes alarming situations involving their data security and information technology. He regularly serves as a legal analyst for reporters seeking insight regarding such matters.

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