

*****PRESS RELEASE*****

FOR IMMEDIATE RELEASE

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**Civil Rights Groups, Health Advocates and Public Defenders
Celebrate Passage of Legislation to Protect Contact Tracing
Data from Law Enforcement**

*Amid Dual Crises of COVID-19 Pandemic & Police Abuse, Advocates Call
for Governor Cuomo to Sign the Bill Immediately*

ALBANY, NY -- Today, New York's legislature passed an essential bill - [A.10500-C/S.8450-C](#) - to protect the confidentiality of contact tracing information and prohibit access by law enforcement and immigration enforcement. Sponsored by the chairs of the Senate and Assembly Health Committees, Senator Gustavo Rivera and Assemblymember Richard Gottfried, this bill helps ensure that contact tracing achieves its public health goals and is not weaponized against communities of color.

Contact tracing is a necessary component of the fight against the novel coronavirus. However, participation in contact tracing hinges on public trust. Effective contact tracing requires that participants share a wealth of intimate detail with contact tracers: information about their location, private activities, health status, and associations. If individuals fear that participating in contact tracing will expose them or their loved ones to deportation or criminalization, they will simply choose not to participate. Public health experts know that protecting this intimate information is key to stemming the spread of COVID-19 - and privacy, civil rights, and racial justice advocates agree. Today's legislation prohibiting law enforcement and immigration enforcement from accessing contact tracing information is integral to achieving public health, privacy, and racial equity.

As COVID-19 contact tracing efforts expand across the state, civil rights groups, health care advocates, immigrants' rights groups, privacy advocates, and public defenders celebrate the passage of this bill and call for Governor Cuomo to promptly sign it.

Legislators & advocates said the following:

"Contact tracing for COVID-19 is critically important for public health, but it only works if people participate," said **Assembly Health Committee Chair and bill sponsor Richard N. Gottfried**. "People need to feel confident that their information will only be used for public health purposes,

not as a back door for law enforcement or immigration authorities. It's critical that we put safeguards in place right now, when the program is getting started. I urge the Governor to sign this bill into law as soon as possible."

"Contact tracing is one of our most effective tools to combat COVID-19. However, it will only produce the results we need if the data collected from New Yorkers remains confidential and it is not used for law or op immigration enforcement purposes," said **State Senator Gustavo Rivera**. "As the Senate sponsor of this bill, I want to thank Assemblymember Gottfried and every advocate who played a critical role in successfully passing this bill. Undoubtedly, this important step will strengthen the public's trust in this program, which will help keep New York on the path to recovery."

Allie Bohm, Policy Counsel for the New York Civil Liberties Union, said: "Information collected to stop a public health emergency has no place in the hands of law enforcement or immigration authorities. As individuals fill the streets protesting for Black lives during a pandemic that is disproportionately killing Black and brown people, law enforcement in Minnesota declared that they would use contact tracing to track protesters. Public health officials immediately lamented that the mere announcement hampered their efforts to build participation in contact tracing as individuals worried that their information would be used to harm their loved ones and contacts. We cannot let that happen here in New York -- and passage of A.10500-C/S.8450-C brings us one step closer to making sure it doesn't. We applaud the legislature for passing this critical legislation and urge Governor Cuomo to immediately sign the bill. It is an action he can take right now that would infuse much-needed trust into New York's contact tracing program and ensure that our recovery efforts do not exacerbate the harms that COVID-19 has already wrought on communities of color."

"There can be no effective contact tracing without trust. We applaud the State Legislature for acting to protect New Yorkers health data, giving contact tracing efforts the best chance to succeed. Black, brown and immigrant communities have not only suffered disproportionately from COVID-19, they continue to be targeted by local law enforcement and ICE. Thanks to the leadership of State Senator Rivera and Assembly Member Gottfried, vulnerable communities can be confident that the information they provide will help, not hurt, their loved ones and neighbors. We call on Governor Cuomo to immediately sign this legislation into law," said **Annette Gaudino, State and Local Policy Director, Treatment Action Group**.

"Contact tracing confidentiality is necessary to protect the health of our neighbors," said **Alice Fontier, Managing Director of the Neighborhood Defender Service of Harlem**. "New Yorkers of color should not have to choose between their health and their privacy. There is no reason that the police or ICE should wield another form of mass surveillance to be weaponized against the communities we serve, particularly at the expense of the health of those vulnerable communities."

“Black communities are bearing the brunt of two pandemics: COVID-19 and police violence,” **said Katie Schaffer, Director of Advocacy and Organizing at Center for Community Alternatives.** “In our efforts to stop the spread of COVID-19, it is critical that we do not create a new treasure trove of data for law enforcement or immigration enforcement to further target and criminalize communities of color. By passing this legislation, New York’s legislature has demonstrated a commitment to prioritizing public health over criminalization. We call on Governor Cuomo to do the same and sign this bill into law immediately.”

“In the midst of an unprecedented public health crisis, our #1 priority should be the health and safety of all New Yorkers,” **said Scott Levy, Chief Policy Counsel at The Bronx Defenders.** “COVID-19 has already caused disproportionate harm to low-income communities of color. The contact tracing process is essential for helping New York recover; it must not be weaponized to target and punish communities that have borne the brunt of this pandemic. Contact tracing is a public health tool, not a tool for law enforcement and ICE. We applaud the Legislature for passing A.10500-C/S.8450-C and urge the Governor to sign it as soon as possible.”

“Information collected for COVID-19 contact tracing belongs solely in the hands of public health authorities,” **said Jacqueline Seitz, Staff Attorney at the Legal Action Center.** “The Gottfried/Rivera bill provides critical privacy safeguards necessary to ensure that all New Yorkers, especially communities of color hardest hit by the pandemic, can provide information to help quell the spread of the disease without fear of law enforcement or immigration repercussions.”

“States of emergency have historically provided a ripe opportunity for governments and police to expand their surveillance powers over whoever is considered to be a threat—most recently Black and brown communities, including immigrants—and it is critical that New York State does not allow management of the pandemic to expand the surveillance state,” **said Mizue Aizeki, Deputy Director of the Immigrant Defense Project.** “We applaud the NYS legislature for ensuring that information provided through contact tracing cannot be weaponized by NYPD, ICE or other policing agencies”

“We are very pleased that the Contact Tracing Confidentially bill has passed in the State Legislature,” **said Charles King, CEO and Co-Founder of Housing Works.** “COVID-19 is not over; in fact we may see a second wave in the coming months and it is vital that New York State have the best possible contact tracing protocols in place to help reduce and end transmission. Confidentiality will protect New Yorkers from harassment, arrest, detention, or deportation at the hands of ICE or the police, and ensure thorough, useful data as we continue to curtail the spread of this virus. We sincerely hope Governor Cuomo will sign it immediately. Our heartfelt thanks and gratitude go out to the bill’s cosponsors, AM Gottfried and Sen. Rivera, and everyone who helped make this a reality.”

“The tracing approach is built upon a basic idea: When someone tests positive for a virus like COVID-19 or becomes sick, you find all the people the infected person came into contact with,

because they, too, may be infected. But we have historically seen the pitfalls that occur with tracing when incorporated into the arsenal of racist methods to harm black and brown communities,” **said Anthony Feliciano, Director of the Commission on the Public’s Health System.** “It is not an exaggeration to say that low-income New Yorkers have saved thousands of their neighbors’ lives by allowing them to shelter-in-place. We can honor what many in this case had no other option to go to work by not allowing their safety and well-being to be further harmed. One of the ways is for Bills A10500-C and AS8450-C to be signed by Governor Cuomo-- immediately. Racism in health care permeates also in the response to the pandemic. The efforts can be embraced by all New Yorkers, if we prevent law enforcement and ICE access and ability to manipulate an important public health measure. It can’t be turned into their tool of criminalization and the dehumanizing of Immigrants, Black and other communities of color.”

“Contact tracing privacy is not just a civil rights issue, it’s a public health necessity,” **said Surveillance Technology Oversight Project Executive Director Albert Fox Cahn.** “By passing this measure, New York is leading the national effort to stop contact tracing data from being hijacked by police. We call on Governor Cuomo to sign this vital measure and to reassure all New Yorkers that contact tracing data will never be weaponized by law enforcement. If we fail to act, many of the communities of color that have already suffered the brunt of this pandemic will refuse to cooperate with disease detectives. We also renew our calls for federal protections, holding federal law enforcement agencies to this same standard.”

“Containment of the COVID-19 epidemic hinges on quick identification of those who may be infected and treatment of those who are ill. As the HIV epidemic demonstrated, this is possible only when we insist on a public health response that protects the legitimate privacy concerns of all citizens, particularly those already-marginalized people whom COVID-19 has hit the hardest. The Rivera/Gottfried bill ensures that New York’s response to COVID is grounded in solid public health principles that encourage the trust and participation of all New Yorkers,” **said Catherine Hanssens, Founding Executive Director, The Center for HIV Law and Policy.**

“COVID19 has taught us the indelible lesson that we are all bound together and are responsible for each other,” **said Sarah Chu, Senior Advisor on Forensic Science Policy at the Innocence Project.** “When we engage in contact tracing, we are offering data about ourselves, our family members, and our social network with the understanding that it will be used only for our collective public health. A10500-C/S8450-C would formally seal this contract with the power of the law by barring law enforcement from accessing this information. The profound benefits of contact tracing won’t reach the most vulnerable communities, who are already subjected to perpetual surveillance through various criminal justice technologies (facial recognition, gang databases, DNA dragnets), unless we take action now. We thank AM Gottfried and Sen. Rivera for recognizing the urgent and critical need for a bill that will simultaneously protect the health and privacy of all New Yorkers.”

“The Black and brown communities of New York are without question those most directly affected by twin pandemics: the coronavirus and the plague of the surveillance state. This bill rightly adjusts our state-level response to an unparalleled crisis and avoids treating one devastating disease by opening ourselves to another,” **said Elizabeth Daniel Vasquez, Special Forensic Science Counsel at Brooklyn Defender Services.** “A landmark approach to common-sense goals, this bill ensures that contact-tracing health information remains private and cannot be accessed or weaponized by the police. We call on Governor Cuomo to sign this important legislation immediately.”

"As ICE's authority continues to grow under a federal administration that is clearly more focused on targeting immigrant communities than COVID-19, trust in government is at an all time low. That's why it's imperative that New York State protect the integrity and security of contact tracing data for public good," said **Max Hadler, Director of Health Policy at the New York Immigration Coalition.** "We thank the Legislature for taking this important step and demand that Governor Cuomo sign the bill immediately to ensure that the communities hardest hit by COVID-19 can more safely participate in the fight to beat this vicious pandemic and support New York's recovery."

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