

New York Installs Privacy Safeguards for Contact Tracing

Governor Cuomo Signs Into Law Protections from Contact Tracing Data Sharing with Police, Immigration Enforcement

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ALBANY -- Last night, Governor Cuomo signed a [bill](#) into law that will protect the confidentiality of contact tracing information and prohibit access by police and immigration enforcement. Sponsored by the chairs of the Assembly and Senate Health Committees, Assemblymember Richard Gottfried and Senator Gustavo Rivera, this law will help ensure that contact tracing achieves its public health goals and is not weaponized against communities of color.

Public health efforts to fight the coronavirus require public trust, and contact tracing is one of the key components of that fight. Vaccine distribution began last week and provides much needed hope, but it also points toward the long road ahead in the pandemic recovery and the crucial need for continued trust and protections for New Yorkers.

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.

Civil rights groups, health care advocates, immigrants' rights groups, privacy advocates, public defenders, and community based organizations led by people from Black, Indigenous, and other communities of color celebrate the signing of this bill into law.

Quotes:

"Information collected to stop a public health emergency has no place in the hands of law enforcement or immigration authorities, and we're thrilled New York is taking this important step to make that clear to all of our communities. Steps like this one are essential to making sure there's trust in public health authorities, which is ever more crucial as we see the light at the end of the tunnel with vaccination underway. If people have any reason to believe that sharing the details of their lives will expose them or their loved ones to criminalization or deportation, they are less likely to participate in these programs. The confidentiality of contact tracing information is essential for public health, privacy, and civil rights and racial justice - and today that confidentiality has been strengthened," said **Donna Lieberman, executive director of the New York Civil Liberties Union.**

“New Yorkers have shown remarkable solidarity in the face of a global pandemic, and want to keep each other safe through public health programs. The Contact Tracing Confidentiality Law allows them to do just that without fear of the police and ICE turning their good intentions against them,” said **Alice Fontier, Managing Director of Neighborhood Defender Service of Harlem**. “Today is a major victory for Black and brown communities statewide, allowing our neighbors to protect each other from Covid-19, while protecting sensitive data from being weaponized against them.”

“Unfortunately, each pandemic brings troubling reminders that effective public health responses depend on trust, confidentiality and respect for human rights. It’s not enough to tell the public to follow the science, we must also address the rational suspicion Black, immigrant and indigenous communities feel towards medical providers and public health officials through explicit legal protections from harm,” said **Annette Gaudino, Director of Policy Strategy, Treatment Action Group**. “By enacting the Contact Tracing Confidentiality Law, New York State has taken necessary action to shield individuals’ private health information from NYPD, ICE, CBP and DHS, bringing us all closer to ending this deadly crisis. We thank Senator Rivera, Assembly Member Gottfried and all the community advocates who delivered this welcome win at the end of such a terrible year.”

“Police should not be involved in public health crises,” said **Katie Schaffer, Director of Advocacy and Organizing at Center for Community Alternatives**. “By signing the Contact Tracing Confidentiality Act into law, New York is taking an important step towards ensuring that our efforts to stem the spread of COVID-19 does not create a new treasure trove of data for law enforcement or immigration enforcement to further target and criminalize communities of color.”

“Information collected for COVID-19 contact tracing belongs solely in the hands of public health authorities,” said **Jacqueline Seitz, Senior Staff Attorney for Health Privacy at the Legal Action Center**. “The Contact Tracing Confidentiality Law 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.”

"We're happy to see these critical steps being taken to safeguard the privacy of New Yorkers against the NYPD, ICE, and other law enforcement entities," said **Scott Levy, Chief Policy Counsel for The Bronx Defenders**. "With COVID-19 cases on the rise, a robust contact tracing program that protects the health of immigrant communities and communities of color devastated by this pandemic without jeopardizing their rights couldn't be more important."

“As COVID continues to threaten our communities, it is critical that New York has made clear that the pandemic should not be used as an opportunity to expand the surveillance state. By passing the Contact Tracing Confidentiality Act, New York has taken an important step to protect against the further criminalization of Black and brown communities,” said **Mizue Aizeki, Interim Executive Director of the Immigrant Defense Project**. “We applaud New York for taking the steps to ensure that confidential information provided through contact tracing cannot be weaponized by NYPD, ICE or other policing agencies”

"If COVID-19 has taught us anything, it's that we all depend on each other to keep us safe. We shelter in place whenever possible. We wear masks when we go outside. We provide food and medicine for those in need. And, in the same vein, New York is taking action to keep police and ICE away from contact tracing so that all communities can feel safe participating," said **Elizabeth Daniel Vasquez, Special Forensic Science Counsel of Brooklyn Defender Services**. "It is absolutely critical to ensure that the long history of invasive law enforcement surveillance targeting marginalized people and groups will not infect this vital public health intervention."

“The power of data can be used to improve our daily lives, to assist in disaster relief, or in this case address COVID-19. But it can also be leveraged to manipulate, to mislead, and to discriminate against us. In this nation, data collection and use is largely without any real protections. Because there is no fully comprehensive federal privacy and data protection management, information you give up can be reused in ways that can harm you, even if the original data collection was for a good cause. There are plenty of past and current lessons on the implications of collecting personal information without robust safeguards against abuse, racist and discriminatory attacks. We support and applaud Assembly and Senate Health Committee Chairs, the legislature for passing the bill and the Governor for signing the bill into law”, said **Anthony Feliciano, Director of the Commission on the Public’s Health System and member leader of the People of Color Health Justice Campaign.**

“The only agenda driving the COVID-19 contact tracing program should be the country's public health. Too many immigrant New Yorkers have been disproportionately impacted by COVID-19, which is why this bill is so important to our public health and safety,” said **Anu Joshi, Vice President of Policy at the New York Immigration Coalition.** “We thank Governor Cuomo for signing this legislation that will ensure no New Yorker must choose between their privacy and their family's health.”

“As demonstrated by the HIV epidemic, any legitimate public health response to COVID-19 must rest on a solid foundation of public trust. It is more critical now than ever that we send a clear message that the legitimate privacy concerns of all New Yorkers will be respected and protected,” says **Amir Sadeghi, National Policy and Partner Strategist at The Center for HIV Law & Policy (CHLP).** “The New York Contact Tracing Confidentiality Act represents an important step to prevent law enforcement mission creep into public health areas and to ensure that cooperating with contact tracing will not bring any harm to our communities, our families, friends, and neighbors.”

“A truly successful contact tracing program relies upon trust at every level of the process and we know full well there is broken trust between law enforcement and BIPOC communities across the country,” said **Charles King, CEO and co-founder of Housing Works.** “New York’s contact tracing program can only be successful if people know their personal data will not be shared with law enforcement and that law enforcement officials will not be part of the contact tracing process. To do otherwise is to strike fear into the hearts of people who have good reason to believe they could be subject to criminalization, deportation, harassment or abuse. We are glad to see the Governor has signed Senator Gottfried and Senator Rivera’s bill and taken an important step toward protecting the public health of all New Yorkers, especially those who are most vulnerable to the pandemic.”

“Data has immense power and often that power is directed against immigrants and communities of color. The information gathered during contact tracing is personal, private, and potentially valuable. For contact tracing to be successful, it must only be used to protect the health of members of the public, not gather information to further criminalize, deport, and surveil them. The passing of the Contact Tracing Confidentiality Act prevents the need for people to choose between mitigating a pandemic and protecting themselves, their families, and their communities from over-policing,” said **Jerome D. Greco, Supervising Attorney of the Legal Aid Society’s Digital Forensics Unit.** “We applaud the legislature and the Governor for enacting this law, ensuring the rights of the public are protected while we all continue our fight against COVID-19.”

“We know that the COVID-19 pandemic has re-exposed the stubborn structural racism, oppression and patriarchy that creates poorer health outcomes and disparities for people of color, for immigrants and LGBTQ communities,” said **Kimberleigh Joy Smith, Senior Director for Community Health Planning and Policy at Callen-Lorde Community Health Center.** “The state’s contract tracing efforts should not fuel fear, discrimination or criminalization that would, in turn, exacerbate these inequities. Callen-Lorde applauds the passage of this

legislation, which will protect the confidentiality of contact tracing information; and we celebrate this important step to center the public's health."

"COVID-19 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. We thank the Senate and the Assembly for passing A10500-A/S8450-A and the Governor for formally sealing this contract with the power of the law by barring law enforcement from accessing this information so that the profound benefits of contact tracing will reach the most vulnerable communities, who are already subjected to perpetual surveillance through various criminal justice technologies (facial recognition, gang databases, DNA dragnets)."

"New measures taken to battle the pandemic must be 'necessary and proportionate' to society's needs in fighting the virus. Assuring that the sensitive information collected will only be used to protect public health is critical to striking that balance and encouraging candid cooperation from affected New Yorkers," said **Nathan Sheard, Associate Director of Community Organizing at the Electronic Frontier Foundation**. "We applaud Governor Cuomo for joining state lawmakers in making sure that fear doesn't exacerbate the COVID-19 crisis by chilling critical trust and cooperation."

"No one should have to choose between protecting their community from COVID-19 and protecting them from the police and ICE. These privacy protections will ensure that all New Yorkers feel safe cooperating with contact tracers to battle this second wave. It shouldn't have taken so many months of pressure to force Governor Cuomo to do the right thing and sign this bill into law. Still, we are grateful to the governor for recognizing that we can't protect New Yorkers from COVID-19 unless we also protect the privacy of their contact tracing data. We also urge Governor Cuomo to join us in calling on the incoming Biden Administration to support similar protections at the federal level," said **Albert Fox Cahn, executive director of the Surveillance Technology Oversight Project**.

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