



# **Global Privacy Assembly**

# **COVID-19 TASK FORCE SURVEY ANALYSIS**

# EXECUTIVE SUMMARY

The COVID-19 pandemic posed privacy and data protection challenges around the globe, urging the GPA Executive Committee to convene and agree to establish the GPA COVID-19 Taskforce. The Taskforce is primarily mandated to address emerging privacy issues faced by GPA Members and Observers by providing leadership within the GPA membership community by examining the emerging data protection and privacy challenges posed in the context of the pandemic in order to identify the practical ways in which these are being addressed, sharing information with the membership to enhance capacity building for members and observers.

One of the first activities of the Taskforce was to conduct a short survey to gather valuable intelligence on the privacy issues that the GPA community have dealt with or are currently experiencing, as well as the initial privacy responses implemented. This survey circulated among the GPA members and observers from 08 to 19 June 2020, aimed to be the starting point of the Taskforce in mapping out the most pressing privacy issues

so as to prioritize matters to cover. The responses gathered have given direction to the Sub-Group 1 on Emerging Privacy Issues and Sub-Group 2 on Capacity Building, towards advancing the strategic goals of the Taskforce.

A total of fifty (50) respondents, from different jurisdictions and organizations across the regions of Asia, Africa, Europe, Latin America, Middle East, North America, and Oceania, have answered the survey. The survey provided a pre-defined list of issues and based on the results, the top three (3) pressing issues they have been dealing with are: (1) Contact tracing and location tracking; (2) Handling of employee data in work from home/return to work situations; and (3) Handling of children/students' data associated with the use of e-learning and online schooling technologies. However, when asked to choose privacy issues that the authority is prioritizing. The top three (3) results are: (1) Contact tracing and location tracking; (2) Data sharing of health data with health ministries and institutions; and (3) Data sharing of health data with law enforcement agencies.





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# EXECUTIVE SUMMARY

**O**n contact tracing, 44% answered that the use of contact tracing application is on a voluntary basis, 4% answered that it is mandatory, and 25% answered that it is not yet applicable or currently under development.

Furthermore, 48% of the respondents answered that they anticipated a trend where health information will be collected or shared as preemptive response to health crises with Europe being the highest, followed by Asia and North America with 13%, and Africa and Oceania with 8%. In addition, 76% of the respondents have stated they have Policies and Legislation as instruments to respond to health crises.

From the 4 plans and actions listed in response to the pandemic, each jurisdiction has accomplished one or more initiatives. 92% have published or issued guidance for the government, organizations and other stakeholders on how to handle personal data in the context of the pandemic,

66% coordinated and worked with health care providers, ministries and relevant bodies on health data sharing, while 30% worked or currently working with contact tracing application providers by providing an auditing framework for the applications and hosted or will be hosting events or webinars to address common issues among stakeholders.

Each response gathered from the survey is considered vital in coming up with this narrative. However, it is also important to note that this report is only limited to the respondents of the survey and, therefore, does not capture the entire population of data protection authorities across the Assembly. Consequently, the results cannot be used to generalize the temperature and status of the entire GPA community in dealing with the privacy issues emerging from the pandemic.



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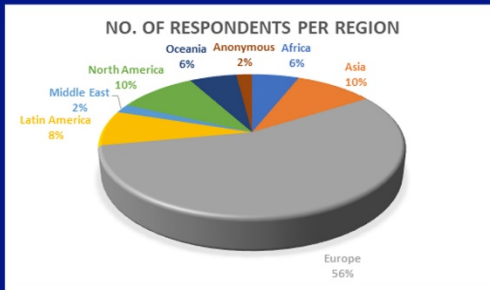
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## Respondents

A total of 50 respondents have answered the survey.

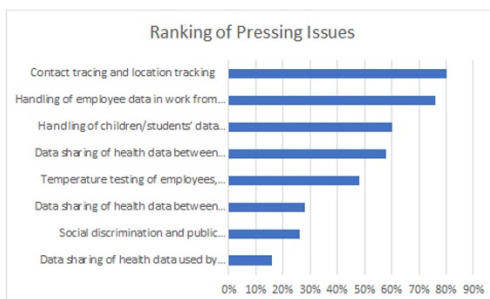
Region	No. of Jurisdictions/Organizations
Africa	3
Asia	5
Europe	28
Latin America	4
Middle East	1
North America	5
Oceania	3
Anonymous	1
<b>Grand Total</b>	<b>50</b>



These are contact tracing and location tracking (80%), handling of employee data in work from home/return to work situations (76%), and handling of children/students' data associated with the use of e-learning and online schooling technologies (60%). Moreover, data sharing of health data used by charities/organizations/groups offering support and assistance in the pandemic is determined as the least pressing issue with 16%.

### Analysis on Question #1:

*What are the pressing privacy issues emerging from the COVID-19 pandemic you have been dealing with?*



Ranking of A	No. of Respondents
1	0%
2	3%
3	0%
4	5%
5	14%
6	3%
7	14%
8	14%
9	11%
10	38%
<b>Total</b>	<b>100%</b>

Pressing issues	Percentage of Jurisdiction/Organizations
Contact tracing and location tracking	80%
Handling of employee data in work from home/return to work situations	76%
Handling of children/students' data associated with the use of e-learning and online schooling technologies	60%
Data sharing of health data between hospitals and health ministries and other relevant government bodies	58%
Temperature testing of employees, travelers, children returning to school	48%
Data sharing of health data between hospitals and other relevant parties with law enforcement agencies	28%
Social discrimination and public embarrassment resulting from the disclosure (intended or unintended) of personal information	26%
Data sharing of health data used by charities/organizations/groups offering support and assistance in the pandemic	16%

As shown in the table above, jurisdictions and organizations have identified three (3) top pressing privacy issue confronting them in the time of pandemic.

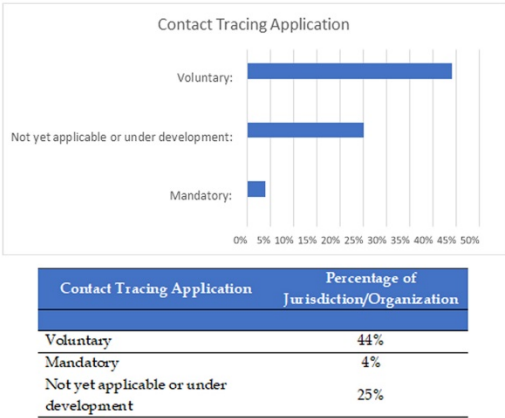
Respondents were subsequently asked to rank how pressing each issue was, on a scale from 1 to 10 with 10 being the highest. 38% of the respondents have ranked contact tracing and location tracking as number 10, affirming that it is the most pressing issue to be addressed.

As an innovation launched due to the pandemic, contact tracing applications pose several privacy issues DPAs need to address as part of



responses to the current health crisis while ensuring data protection and privacy rights of individuals. As a strategic issue of the Taskforce, issues to be navigated are the privacy by design and proportionality and transparency requirements; audit framework for contact tracing; de-anonymization and security risks; built-in decommissioning strategies; decentralized vs centralized data solutions; location tracking and the pitfalls of surveillance – as well as DPA’s in their development and deployment.

**a. On contact tracing: How many answered voluntary? How many answered mandatory? How many answered not yet applicable or under development?**



The survey also looked at whether the use of contact tracing applications was voluntary or mandatory across jurisdictions. As shown in the figures above, 44% answered that the use of contact tracing application is on a voluntary basis, and only 4% answered that the use of contract tracing application is mandatory.

On the other hand, 25% answered that it is not yet applicable or currently under development, implying that these jurisdictions or organizations are in the process of exploring contact tracing applications and some are in the development phase. Still, most of these jurisdictions are leaning towards voluntary use of contact tracing applications once implemented.

**b. Privacy Issues encountered on contact tracing applications**

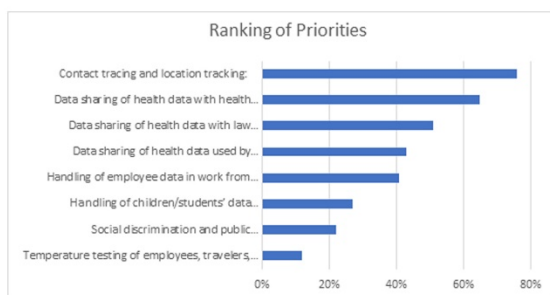
Across all jurisdictions, the use of contact tracing applications is aimed at reducing the spread of the virus by getting the user’s location trails and identifying people who have been in close proximity with each other so that containment measures can be adopted. Bluetooth and GPS are the commonly used technologies of these contact tracing applications. Such technologies are used to record the user’s location and the social interactions made by the user.

**D**ue to the urgency of implementing contact tracing applications, the following are privacy issues that are prominent for each jurisdiction:

- Issues regarding proportionality, transparency, and legal basis of these applications;
- Issues on whether privacy by design is observed in developing these applications;
- The amount of data that these applications collect can be prone to misuse or abuse for other purposes such as surveillance;
- Issues on how long the data will be retained, where will the data be stored, and acceptable technical security to protect the data;
- Lastly, issues whether the aggregated location data qualifies as anonymous (e.g. non-personal) data and can be used for statistical purposes.

**Analysis of Question #2  
Amongst the issue listed in Question #1, which are the ones that your authority is currently prioritizing?**

The survey asked respondents to choose the privacy issues the authority was prioritizing amongst those listed in question 1. The results are shown below.



Ranking of Priorities	Percentage of Jurisdiction/Organization
Contact tracing and location tracking	76%
Data sharing of health data with health ministries and institutions	65%
Data sharing of health data with law enforcement agencies	51%
Data sharing of health data used by charities/organizations/groups offering support and assistance in the pandemic	43%
Handling of employee data in work from home/return to work situations	41%
Handling of children/students' data associated with the use of e-learning and online schooling technologies	27%
Social discrimination and public embarrassment resulting from the disclosure (intended or unintended) of personal information	22%
Temperature testing of employees, travelers, children returning to school	12%

As the findings indicate, the privacy issues jurisdictions and organizations are currently prioritizing are:

1. Contact tracing and location tracking ( 76%);
2. data sharing of health data with health ministries and institutions ( 65%);
3. data sharing of health data with law enforcement agencies (51%).

By contrast, temperature testing of employees, travelers and children returning to school were ranked as the least pressing issue to prioritize with 12%.

**Other pressing privacy issues emerging from the COVID-19 pandemic you have been dealing with**

Besides the privacy issues identified above, the survey asked respondents to provide other issues they were dealing with not listed amongst those in question 1. The following are the issues identified by the respondents:



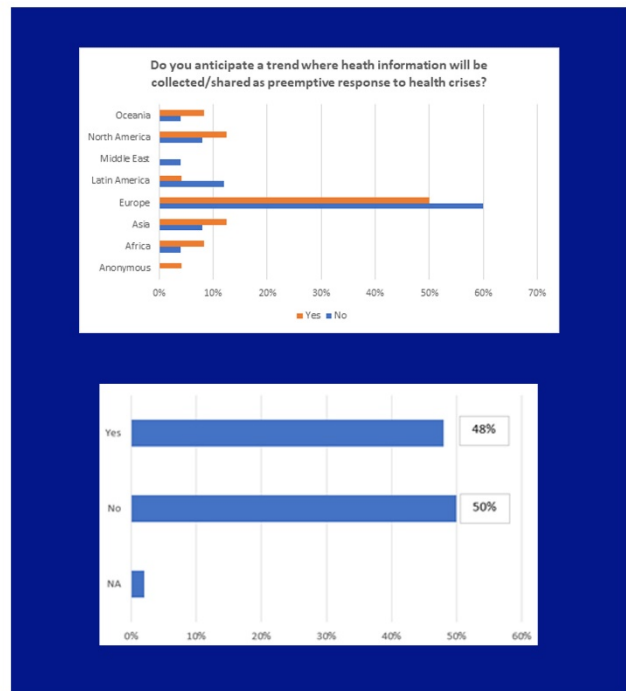
- Cybersecurity issues – with most people staying at home and going online for work and school cyber criminals use it as an opportunity to exploit people through variety of scams, phishing, robocalls, government posters and identity theft
- Re-use of COVID-19 patients' data for research purpose; In relation to finding solutions for health authorities in the daily amount of work, outsourcing or the use of call centers to contact COVID-19 positive or negative people during contact tracing
- Challenges with the shift to virtual care in health sector (e.g. Telehealth)
- Cases concerning the disclosure of patients' data in aggregated form
- Use of new technologies that can be privacy intrusive such as wristbands to check whether people are following the social distancing rules, health camera's the scan

**L**astly, transfer and sharing of personal data (including health data) among different data users such as other government agencies, or immigration authorities. These are issues raised as we adapt to this new normal including the use of solutions or innovations to help fight this pandemic.



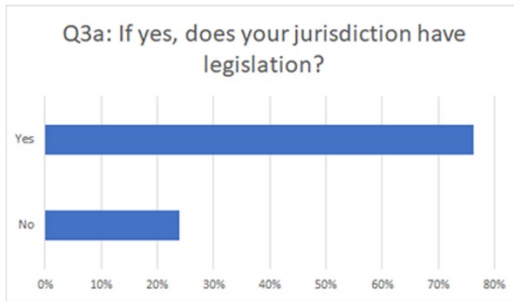
### Analysis of Question #3:

**Do you anticipate a trend where health information will be collected/shared as preemptive response to health crises (e.g. forward-looking measures to contain a second outbreak)? Yes or No.**



As shown by the figures above, 48% of the respondents answered that they anticipated a trend where health information will be collected or shared as preemptive response to health crises with Europe being the highest. The percentage of negative responses was 50%.

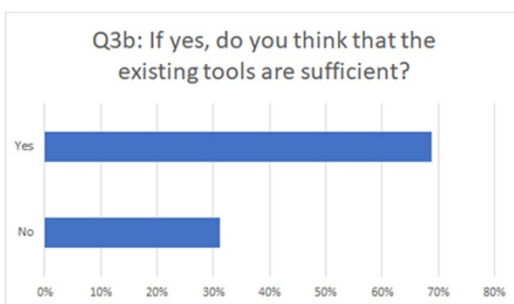
a. If yes, does your jurisdiction have existing legislation/legislative instruments or tools to respond to health crises? Yes or No.



With Legislation	Jurisdiction
No	24%
Yes	76%
Grand Total	100%

The survey also asked whether respondents believed adequate legal instrument were in place in their jurisdictions to respond to health crises. The table above shows that 76% of the respondents have stated they have Policies and Legislation as instruments to respond to health crises, while 24% responded they do not currently have sufficient legislative tools in place. This represents the answers from jurisdictions which have anticipated a trend where health information will be collected or shared as preemptive response to health crises.

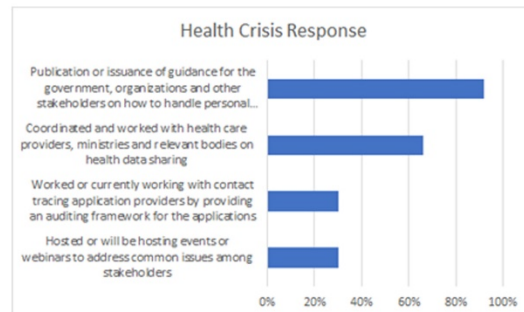
b. If yes, do you think that the existing tools are sufficient to address the trend's implications? Yes or no.



With Sufficient Tools	Jurisdiction
No	31%
Yes	69%
Grand Total	100%

Amongst those who responded to have existing tools in place to deal with the pandemic, 69% have indicated that their existing legislative tools in response to health crises are sufficient to address the challenges arising from the pandemic, while 31% stated that their current tools are not sufficient. These jurisdictions believe that their instruments must be strengthened and supplemented to address the current privacy challenge emerged in the context of the pandemic.

**Analysis of Question #4**  
**How have you responded to the issues that your jurisdiction is currently facing?**



Health Crisis Response of Jurisdictions/Organizations	No. of Jurisdiction/Organization
Publication or issuance of guidance for the government, organizations and other stakeholders on how to handle personal data in the context of the pandemic.	92%
Coordinated and worked with health care providers, ministries and relevant bodies on health data sharing	66%
Worked or currently working with contact tracing application providers by providing an auditing framework for the applications	30%
Hosted or will be hosting events or webinars to address common issues among stakeholders	30%





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The survey also asked authorities how they had responded to privacy issues caused by the pandemic in their jurisdictions. As the table above shows, 92% have responded to the issues brought by the health crisis through publishing or issuing guidance for the government, organizations and other stakeholders on how to handle personal data in the context of the pandemic.

Other jurisdictions have conducted consultations with their government leaders and policy makers, formed dedicated COVID-19 response teams, intervened on national televisions to raise awareness on best practices, created dedicated webpages for public information, conducted Privacy Impact Assessment on contact tracing applications, and collaborated with other privacy commissioners to issue joint statements to maximize compliance with their laws and protocols in fighting against the pandemic.

**If yes, please indicate what are the key initiatives your authority/organization has prioritized which would be of practical benefit to GPA members and observers.**

Summary of Key Initiatives prioritized to benefit the GPA members and observers

Create chart of contact tracing apps
Conduct webinar/ video lectures
Establish criteria, recommendations and rules about health and temperature controls
Publish or issue guidelines or infographic in relation to contact tracing and COVID-related privacy issues
Conduct surveys on the awareness level of citizens regarding privacy during pandemic
Create website to raise awareness of data subjects

Overall, these initiatives aim to support the governments' responses to the COVID-19 pandemic and raise the level of awareness of citizens on contact tracing, data processing activities, and best practices serving as guidance to ensure privacy rights are being protected. It can be induced that public discussions, issuances, conferences, and workshops are of significant to help in addressing pressing privacy issues emerging from the pandemic. Collaboration between and among jurisdictions and organizations is indeed vital to promote the strategic goals of the taskforce.

### **Analysis of Question #5**

**Will a GPA COVID-19 Taskforce workshop or other capacity building activities (webinars) for GPA members and observers be a useful mechanism in addressing pressing privacy issues emerging from the COVID-19 pandemic?**