

SECURE DATA AND PRIVACY FOR CONTACT TRACING ACT OF 2020

Senators Brian Schatz (D-HI) and Tammy Baldwin (D-WI)

As the nation continues to grapple with the impacts of the COVID-19 pandemic, contact tracing is an essential tool for managing and preventing the spread of COVID-19. With robust contact tracing systems, we can slow the spread of the coronavirus and give policymakers and community leaders the data they need to make confident decisions about protecting our schools, workplaces, and neighborhoods.

A growing number of states across the country are investing in contact tracing systems and the *Secure Data and Privacy for Contact Tracing Act of 2020* would provide grants for states to responsibly develop technology to assist their COVID-19 contact tracing efforts. By supplementing traditional contact tracing systems with digital technologies, the bill provides incentives that would make local contact tracing more effective while protecting the health privacy of Americans everywhere.

The Secure Data and Privacy for Contact Tracing Act of 2020 would:

- Incentivize states, Tribes, and territories to supplement traditional contact tracing programs with digital tools through a \$75,000,000 grant program administered by the Centers for Disease Control and Prevention (CDC).
- Give states, Tribes, and territories the flexibility they need to either incorporate relevant technology into an existing traditional contact tracing program, establish a new contact tracing program with both traditional and digital elements, or augment an existing program.
- Ensure that states, Tribes, and territories have the resources necessary for development, maintenance, staffing, and outreach and marketing for digital contact tracing programs to promote usage and increase effectiveness.
- Protect health privacy of Americans by applying HIPAA protections to the data collected through any digital contact tracing program. Grants would be subject to several conditions, including:
 - Digital contact tracing technology would be strictly voluntary and provide clear information on intended use;
 - Data requested would be limited to only necessary information and must be deleted after contact tracing processing is complete, or at the end of the declaration of emergency;
 - Information gathered would be used strictly for public health functions authorized by the state and cannot be used for punitive measures, such as criminal prosecution or immigration enforcement; and
 - Digital contact tracing technology would ensure anonymity, allowing only relevant and authorized officials access to personally identifiable information.

Endorsements:

The Project on Government Oversight; Ashkan Soltani, Distinguished Fellow, Georgetown University; Dr. Ben Adida, Executive Director, VotingWorks; AIDS United; Black AIDS Institute; Housing Works; the Positive Women's Network – USA; and the Treatment Action Group.