

Congress of the United States
Washington, DC 20515

March 19, 2020

The Honorable Donald J. Trump,
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

The Honorable Mike Pence,
Vice President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump and Vice President Pence,

As you work with technology companies and other private sector actors in coordinating our country's responses to the COVID-19 pandemic, we urge you to protect the privacy of Americans at every step. An unprecedented crisis of this magnitude calls for an all-of-society response, including partnering with the private sector, to protect the health of Americans, but we must not lose sight of the civil liberties that serve as the foundation of our country.

Press reports indicate that members of your Administration are in active discussions with Facebook, Google, and other technology companies to use geolocation data captured by smartphones and smartphone apps for public health purposes. This data can be critical for understanding the overall spread of COVID-19 and informing individuals of potential contact with a diagnosed person, as we've seen in South Korea and other countries. However, geolocation data is also extremely sensitive and must not be used for any other purposes.

According to media reports and the President's public remarks, the Administration has partnered with Verily, a subsidiary of Alphabet, to maintain a website for identifying testing locations. While data collected from websites like this can help identify geographic trends, without appropriate controls, information about who receiving testing could be used in discriminatory ways by government agencies (e.g., denying benefits) or companies (e.g., increasing insurance rates) based on whether someone is suspected to have COVID-19.

We support bold measures to keep Americans safe and healthy during this crisis. However, prohibiting government intrusion into the private lives of Americans is, and has always been part of the DNA of our country, enshrined in the Fourth Amendment of our Constitution. Because location and health data are some of the most private types of information about any individual, we urge you to implement procedures to protect the privacy of Americans by adopting the following privacy principles:

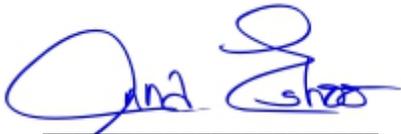
- 1) **Aggregation, Minimization, and Anonymization.** The federal government should only collect data that may be directly useful in responding to the current public health crisis. If appropriate for anticipated uses, the government should limit collection to aggregated data and trends from companies. If aggregated information is insufficient, minimize data to what public health experts identify as necessary. Where practicable, anonymize datasets by removing associated data and metadata unnecessary for the specifically intended public health uses.

2) **Use Limitations**

- a. **Private Company Uses.** The Administration should require that private companies collecting data specific to the COVID-19 crisis, such as information about individuals who are searching for testing centers or information about the disease, must not be able to use such data for any other purpose. The data must not, for example, be combined with behavioral targeting data or be used to train machine learning algorithms to improve advertising.
 - b. **Governmental Uses.** Prohibit any government agency or employee from disclosing, transferring, or selling information to agencies, companies or other organizations, or individuals not directly involved with the public health response to COVID-19. Under no circumstances should this data be shared with law enforcement or immigration agencies.
- 3) **Data Security.** Data should be transferred and stored using the highest cybersecurity protocols.
- 4) **Prohibiting Reidentification.** Prohibit attempts to reidentify specific individuals from aggregate or anonymized datasets.
- 5) **Destruction of Data After Pandemic.** Upon conclusion of the pandemic, require all government agencies, employees, and contractors to delete identifiable data. Retaining data beyond the specific crisis creates additional privacy concerns.

In addition to adopting these principles, we ask that you consult leading computer scientists, and privacy and ethics experts in government, academia, and public interest organizations to ensure policies, procedures, and technical standards for collecting, transferring, processing, and retaining data preserve and protect privacy to the greatest extent possible.

Most gratefully,



Anna G. Eshoo
Member of Congress



Ron Wyden
U.S. Senator



Suzan K. DelBene
Member of Congress

cc: The Honorable Alex Azar, Secretary of Health and Human Services