Reconciling Privacy and Accountability: the Context of COVID-19

The global pandemic has spawned a plethora of worried articles in the media about the fate of privacy. A couple of headlines capture the worry on which this seminar will focus: “Privacy Cannot Be a Casualty of the Coronavirus” and “Pandemic Data-Sharing Puts New Pressure on Privacy Protections”. For the first time in our lives, many Americans are being told en masse that we must stay at home. We are being told to wear masks over our mouths and noses when we enter shops, offices, schools and workplaces. We are asked to keep physical distances. We must submit to our temperatures being taken when we enter an airport, health center or college building. We are asked to complete novel online symptom-checking surveys each morning as a condition of being allowed on campus. We are told we must get tested for COVID-19 if we wish to resume employment or attend classes in person. We are told to isolate ourselves pending the results of a COVID-19 test. After a positive test, we are asked to disclose the names of persons with whom we have had close contact for contact tracing. It has been suggested that the public be asked to register with smart-phone based anonymized contract tracing systems. This time next year, we could be faced with mandatory COVID-19 vaccination orders. What if an individual doesn’t want to do these things? What if they believe that being compelled to do these things overly restricts important freedoms? Freedom of movement for example. Or freedom to make one’s own medical decisions. People are saying some of the new expectations and accountability requirements violate important privacies and private choices. Indeed, the new restrictions and mandates do, at least on the surface, go against the grain of a prevalent perspective that we have “personal lives” that are appropriately private; that our bodies, identities, personal information and associations, belong to us and that we can decide what to do with them. The seminar will explore how to reconcile accountability for health with strong privacy values.