

May 28, 2020

Chairman Lamar Alexander
Ranking Member Patty Murray
Senate Committee on Health, Education, Labor & Pensions
U.S. Senate
428 Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

The undersigned organizations are writing to urge your support for S. 3749, the Public Health Emergency Privacy Act, to ensure that Americans' sensitive information is kept private and secure when they use a contact tracing app, exposure notification app, or other technology as part of the public health response to the COVID-19 crisis. This protection is essential to instill confidence and trust in the public and private sector programs that are designed to combat the virus, especially since many of the tech firms involved are not health care providers subject to the privacy provisions of the Health Information Privacy and Accountability Act.

The Public Health Emergency Privacy Act would:

- Limit the collection, use and disclosure of emergency health data to public health purposes;
- Prohibit emergency health data from being used for unrelated or intrusive purposes such as commercial advertising and ecommerce, and bar its use to deny or discriminate against individuals seeking employment, finance, insurance, housing, or education opportunities;
- Prevent the potential misuse of emergency health data by government agencies with no role in public health;
- Require meaningful data security and data integrity protections – including data minimization and accuracy – and mandate deletion by tech firms after the public health emergency ends;
- Protect voting rights by prohibiting conditioning the right to vote on a medical condition or use of contact tracing apps;
- Require regular reports on the impact of digital collection tools on civil rights;
- Give people control over disclosure of their emergency health data by requiring meaningful transparency and opt-in consent; and
- Hold companies accountable by providing for robust private and public enforcement, with rulemaking from an expert agency while recognizing the continuing role of states in legislation and enforcement.

Privacy, security, and public health are not competing goals; they are complementary. Congress must act quickly to put the necessary guardrails in place to protect Americans from unfettered use of the health data that is collected for the COVID-19 emergency. Many people are already suffering from physical, financial and psychological distress due to the pandemic. It is crucial to enact this legislation to prevent the unfair and detrimental treatment of individuals and communities that can result from the inappropriate use and disclosure of the health data needed to combat COVID-19.

For more information contact [Susan Grant](#) at Consumer Federation of America.

Signed,

Access Now
Campaign for a Commercial-Free Childhood
Center for Digital Democracy
Consumer Action
Constitutional Alliance
Consumer Federation of America
EPIC
Free Press Action
Media Alliance
Open Technology Institute
Privacy Rights Clearinghouse
Public Citizen
Public Knowledge
The Parent Coalition for Student Privacy

CC: Committee Members