

Statement from the Privacy Foundation New Zealand

29 April 2020

COVID-19 smartphone app

Privacy Foundation expects transparency around privacy controls

The Privacy Foundation is concerned with the Government's announcement that a Covid-19 contact-tracing app will be available in less than a fortnight to track New Zealanders and identify their contacts for the purposes of the virus containment. This may be insufficient time to ensure the necessary privacy safeguards have been considered and put in place.

Dr Ayesha Verrall, in her recent contact tracing audit report, supported the use of an app and said it would be good to have it in place by the time we go down to Level 2. She was clear the app could not replace the work undertaken by Public Health Units, but it could be a useful supplement in the contact tracing process.

The Privacy Foundation agrees with Dr Verrall:

- the app needs to assist with achieving a more timely and effective contact tracing process;
- to achieve the above, it needs to be piloted and evaluated; and
- it is important to establish the technology is acceptable to the public because public buy-in was essential to achieve optimal uptake and effectiveness of the app.

The Privacy Foundation does not want to see the same difficulties in achieving optimal uptake in a large-scale technology-based project as occurred with NZ's last census.

There are 3 key points for public buy-in:

- The Ministry of Health (MOH) needs to address all the privacy issues including the potential to increase inequities for communities that are already vulnerable due to lower rates of digital access. If too much reliance is placed on the use of the app, we are concerned that this will create higher risk for vulnerable communities. There needs to be other options, including proper analogue support for those communities.
- The MOH needs to undertake and make public a Privacy Impact Assessment prior to the adoption of the app so we and the public can understand and evaluate the app and the privacy impacts that have been identified and how they will be addressed.
- The MOH needs to provide clear and simple explanations of the app in languages to support all NZ citizens, immigrants, refugees, and visa holders. It has to be clear how the app will work, what a person can expect when contacted, what information will be collected, who it will be shared with, how long it will be retained, how it will be disposed of and how the app will be turned off once the crisis is over.

The Privacy Foundation also calls on the MOH to establish an independent evaluation of the benefits, risks and limitations of the app once it is operational. We want to see the findings of such an audit made public so we can all comment and contribute to inform pandemic planning for the future.

A link to our current commentary on the topic may be found here:

<https://www.privacyfoundation.nz/wp-content/uploads/2020/04/APProaching-the-Future.pdf>

Earlier commentaries on our website may be found at:

<https://www.privacyfoundation.nz/commentary/>

Note for editors

Contact for media enquiries: Gehan Gunasekara phone 021 0743419 (mob.); or email Gehan Gunasekara – g.gunasekara@auckland.ac.nz