



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Rt Hon Matt Hancock MP
Secretary of State for Health and Social Care
39 Victoria Street
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28 April 2020

Dear Matt

I am writing to you in relation to the Government's plans to use digital technologies, and in particular the NHS contact tracing app, to respond to the Coronavirus outbreak. We all want the virus to be banished and for there not to be a recurrence, but without a scientific and medical breakthrough, we know that measures will need to be in place for some time. However, it is important that such measures only interfere with human rights to the extent necessary. I am therefore interested to know more about the "exit strategies" that you have explored to have a human rights-compliant way out of the current lockdown.

Contact tracing has implications in relation to the right to private and family life, specifically in relation to data protection.

It is important that the use of any kind of contract tracing technology is transparent, open to scrutiny and has clear time limits on its use. There should be sufficient oversight of the use of such data as well as regular reviews of such measures. Data collected on individuals should only be used for the purposes of containing the virus and must not be stored for longer than is necessary. All data should be held securely and protected adequately.

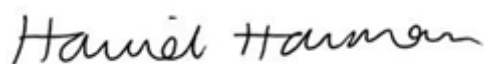
There are concerns about confidentiality. It is important that users can trust that their data will be protected and that data will not be shared beyond the extent absolutely necessary to protect health.

As the development of technologies to track and monitor people has significant implications for human rights, I would be grateful if you could answer the following questions:

- a) In the context of contact tracing applications, have you made an assessment of the various technologies that can be used to track and monitor people to determine which of these are the least intrusive?
- b) Following introduction of the contact tracing app, what oversight and review mechanisms will be put in place to assess whether it is operating in such a way that protects people's right to privacy?

- c) What safeguards will be in place to ensure that people's data is secure and their privacy is protected?
- d) I understand that the Government is initially proposing to roll out the contact tracing app on a voluntary basis. Can you confirm that is the case?
- e) We believe legislation will be required to ensure there are sufficient safeguards on the use of digital technologies to tackle the pandemic. Are you planning to introduce legislation for this purpose?
- f) Are you confident that the system will not penalise those who do not have access to modern technology? How will you ensure that the impact of the use of digital technologies on these groups is minimised?
- g) For how long is it intended that data collected from the contact tracing app be stored?
- h) What measures are you putting in place to ensure that data is sufficiently protected and anonymised?
- i) Will data be deanonymised at any point during the collection, transmission or processing stages?
- j) What measures will be taken to ensure that the data gathered via an app is used appropriately and only for the purposes of defeating the virus?
- k) How will you ensure that personal data is held securely?
- l) Will the Government provide an assurance that any form of tracing-capability on mobile phones used to deal with Coronavirus will not be used after the epidemic is over and will not be used for any purposes other than public health? What other safeguards will you put in place to ensure that there is minimal impact on individuals' rights, in particular their right to privacy (Article 8 ECHR) and freedom of association (Article 11 ECHR)?
- m) Are you contemplating using "immunity certificates" in the future? How do you envisage these working?
- n) Does the Government intend to make downloading and using the app mandatory? If so, how will it deal with individuals who are not smartphone users or instances where individuals do not have their phones turned on for various reasons? Will it be compulsory for individuals to carry a mobile phone?

Could you please respond to this letter by 1 May. I have copied this letter to the Lord Chancellor and Secretary of State for Digital, Culture, Media and Sport.



Rt Hon Harriet Harman QC MP
Chair of the Joint Committee on Human Rights