

The Holes in HIPAA: Legal and Technological Issues Relating to Contact Tracing During the COVID-19 Pandemic

Participants:

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Provost's Summer 2020 Student-Faculty Undergraduate Research Award

Techniques/Methodology:

- Research the process of contact tracing for COVID-19
- Analyze HIPAA and apply its rules to contact tracing data

Context/Purpose for Research:

- As health departments fight the spread of COVID-19, contact tracing is one of their most useful tools
- The public is hesitant to contact trace and, historically, does not place a lot of trust in government

Results and Conclusions:

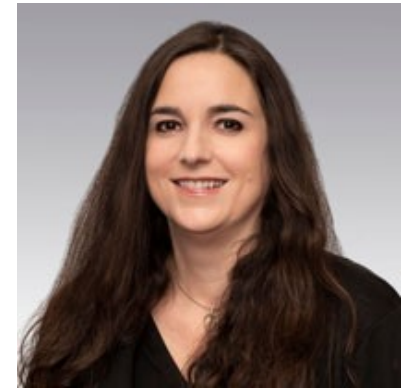
- Understand the legal protections afforded to COVID-19 contact tracing data
- Recommend privacy enhancing measures under current law that bolster public trust and participation in the process

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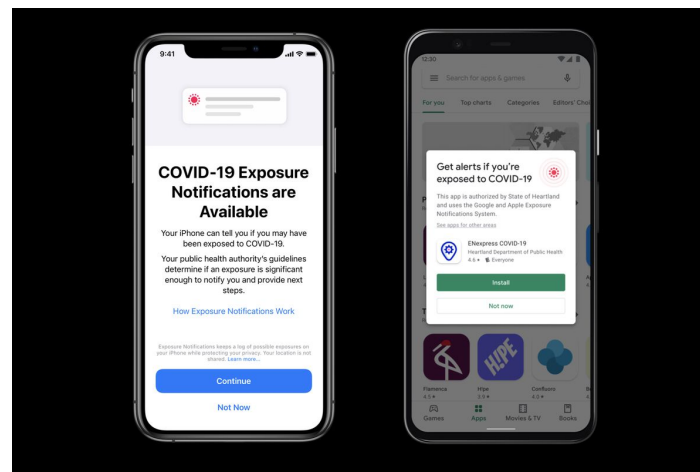
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Context/Purpose for Research

- How do health departments implement widespread contact tracing to stop the spread of COVID-19 while maintaining adequate protections for individuals' privacy?
 - **Contact tracing data is extremely sensitive.** It contains information regarding an individual's close relationships, frequented locations, and disease status
 - Largely, **the public is not participating in contact tracing** on the widespread scale experts believe is necessary to contain the spread of COVID-19 in the U.S.
 - No specific, data-privacy legislation exists pertaining to the data collected through contact tracing and there is no legal definition afforded to contact tracing data.

Techniques/Methodology

- **Define contact tracing data** and understand how contact tracing is being deployed broadly to fight COVID-19
- **Research the technological landscape of contact tracing** and analyze different kinds of data collection and storage
- **Apply the above findings to the Health Insurance Portability and Accountability Act** to understand the legal protections currently afforded contact tracing data



Results and Conclusions

- Absent clear, specific privacy legislation pertaining to contact tracing data, **numerous entities outside of health departments could potentially access contact tracing data** supplied by participants.
- Some technological advancements, like exposure notification mobile phone applications, could preserve an individual's privacy, but offer their own challenges and setbacks for the individual and health departments alike.
- A **federal privacy standard for contact tracing data** that addresses key questions regarding data deletion and non-health-related government access to contact tracing data would preserve more of an individual's privacy and potentially boost participation in contact tracing.