



NEW YORK STATE SENATOR

Chris Jacobs

## Jacobs Introduces Legislation to Protect Privacy Rights in Contact Tracing

SENATOR JACOBS May 19, 2020

| ISSUE: **CONTACT TRACING, PROTECTING PRIVACY RIGHTS, CORONAVIRUS, REOPENING NEW YORK**

(Buffalo, NY) – State Senator Chris Jacobs has introduced legislation (S8327) to protect the privacy rights of New York residents as the state begins to engage in contact tracing efforts as a key part of its reopening strategy.

“As we emerge from this crisis and seek to get people’s lives back to normal, protecting rights like privacy needs to be a top priority of state government,” said Jacobs.

State and national public health officials have been emphasizing the need for contact tracing to effectively monitor infected people as stay at home orders and restrictions imposed by New York’s PAUSE begin to loosen. Unfortunately, methods for conducting the tracing as well as analysis of the data create significant opportunities for a person’s privacy rights to be violated.

Jacobs’ bill would require that any person traced must voluntarily opt-in to the tracing program, and it provides that they can withdraw at any time with the assurance that their personal data is encrypted.

The legislation creates two new E felonies for unlawful dissemination of contact tracing information as well as unlawful use of a surveillance drone. It also establishes a cause of action enabling people to sue entities responsible for any violation of their right to privacy as it relates to contact tracing. Aggrieved individuals would be allowed to seek damages or declaratory or injunctive relief.

“Even the most ardent contact tracing advocates have acknowledged the concern over the potential of privacy rights being violated,” said Jacobs. “The bill I have introduced makes the protection of our civil liberties a priority by putting some teeth into our laws that will hopefully act as a deterrent,” the Senator concluded.

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#### RELATED LEGISLATION

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### **2019-S8327**

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to protecting people's privacy during contact tracing

May 11, 2020

Stricken

Sponsored by **Chris Jacobs**

Do you support this bill?