

Intelligence MEMOS



From: Konrad von Finckenstein

To: All Provincial Governments except Alberta

Date: May 14, 2020

Re: **BALANCING PRIVACY AND CELLPHONE TRACING TO FIGHT COVID-19**

It has widely been reported that South Korea used cellphone tracing in its largely successful efforts to control the pandemic. This raises important questions of privacy, and forces governments into the difficult task of reconciling public health concerns with the protection of privacy.

Alberta last week introduced an app called *ABTrace Together* that it urges all Albertans to download and install on their IOS or Android mobile devices. These are mostly cellphones and hence we will use that term broadly speaking.

In doing so, Alberta had to find a tradeoff between protecting the public from health risk and not violating privacy.

The Alberta approach is as follows:

- Downloading the app is voluntary;
- It can be uninstalled by the user at any time;
- Once the app is installed, the device is Bluetooth enabled and therefore will register any other cellphone (which has the same app installed) within two meters and log the length of time of that proximity;
- The app on each cellphone will store this data on that cellphone;
- If an Albertan has a positive test result for COVID-19, a contact tracer from Alberta Health Services (AHS) will ask them to upload their cellphone data collected by the app;
- Using this data, the contact tracer can find out with whom the infected has been in near contact, notify such person(s) and give guidance as to self-isolation and/or testing.

Given that the data is stored on a cellphone user's app, AHS does not have access to it. It can only be uploaded with the device user's consent. The app also does not collect geolocation data, so AHS does not know where the contact occurred.

The app does, however, collect anonymized app utilization data. This anonymized data will be used to understand app adoption, engineer app improvement, develop public health policy and analyze emergencies.

Download and installation are free, simple and very quick. A user must agree to the usual terms and conditions before the app becomes effective. This is written in heavy legalese and is difficult to comprehend. However, the site has an excellent FAQ page that covers, in simple and user-friendly fashion, how the app works, who gets access to the data, when and where it is stored and how it can be used by the AHS in anonymized form.

The app's design would appear to have addressed the principal concerns of privacy advocates, namely use of personal data for purposes other than disease prevention, control of the data by internet access providers, access to the data by third parties or other government agencies.

Alberta has to be commended for developing this app. If widely adopted by Albertans, it will be successful in combating COVID-19.

Employing cellphones for contact tracing is inevitable, and one can only hope other provinces will follow Alberta's carefully balanced lead.

The Hon. Konrad W. von Finckenstein, Q.C., was Chair of the Canadian Radio and Telecommunications Commission, a Federal Justice and Commissioner of Competition.

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