

Let's talk about contact tracing

A summary of themes from an InternetNZ hosted discussion

Introduction

On the 17th April 2020, InternetNZ [facilitated a Zoom webinar on technology and contact tracing](#).

120 people joined the webinar as attendees, and we heard from 8 panelists:

- Dr Sayali Pendharkar, University of Auckland
- Dr Andrew Chen, Koi Tū
- Dame Diane Robertson, who led the Data Futures Partnership
- Donna Cormack, Te Mana Raraunga
- Kate Pearce, TradeMe and on the InternetNZ Council
- Joy Liddicoat, University of Otago and on the InternetNZ Council
- Lucie Krahlcova, AccessNow
- Tom Barraclough, Brainbox Institute

This document is a brief summary of the key themes and questions arising from this discussion. A fuller look at the community discussion around contact tracing is available here: [InternetNZ: Let's talk about technology and contact tracing](#)

Public Health

- Around the world there are proposals for technology options to replace or to augment manual contact tracing.
- There was a shared view that in New Zealand, technology for contact tracing needs to augment existing manual contact tracing techniques.
- Manual tracing is time consuming and resource intensive; technology can speed this up and help address community transmission, as it can reduce the tracing time and reach more people.
- The critical thing is to define the problem the tech will solve, before deciding on the tech.

- There is no perfect solution. We just need to decide in a timely way, implement and deploy.
- There are different lenses through which to look at technologies:
 - Some tech looks at location, including GPS and locations from telco networks. Some tech uses contacts rather than location and figures out who you have been spending time with. Public health officials can use this to alert people you may have been in contact with. Some argue this is better for privacy.
 - Some solutions don't need active participation from the user (information from banks; telcos) others do (apps; diarise).
 - Some solutions are voluntary others are not. The tech solution can be designed either way.

Technology options

- There are several ways of looking at technology options for contact tracing:
 - Whether location or contacts are reported;
 - The type of underlying technology (Bluetooth versus GPS or telco data);
 - Whether an approach is on-by-default or opt-in;
 - Whether use of tracing technology is tied to coercive legal or social measures such as requiring use of an app to leave home.
- Any technology proposal should be assessed against a clear purpose, with clearly set out design goals and risks.
- Any technology proposal should be approached in a way that proportions impacts to needs. If community spread is limited, it may not be needed.
- Technology and other approaches need to be integrated and to work in context, looking at people's social, economic, and health situation. Requiring people to stay at home may not be realistic or helpful if their home is crowded, damp, or insecure.
- Tech solutions should also consider what else might want to be addressed, eg enforcing quarantine, allowing streamlined access to official information.

Social Licence

- Social licence is about the community giving continued permission and acceptance to a proposed solution. This means asking people, but there are ways of doing this quickly in ways that include even the most marginalised.
- It is important that the social license refers to the problem/solution that exists at a particular time - it can EXPIRE.
- Social license is about trust. If something is voluntary, people may opt out if the explanation of what the tool is and why they should use it doesn't gain their trust. If it is mandatory it can spur backlash.
- Governance is important - being transparent and clear about management, monitoring, oversight etc.
- Consultation is important. New Zealanders have 8 questions they want answered about use of their data - see the data wheel¹. If these questions are answered, then social license is more likely.

Security

- Government has historically struggled with large technology projects. Contact tracing is likely to require quick work on a broad scale which increases these challenges.
- Security decisions involve trade-offs and real-world considerations that depend on what is at stake and what risks it raises.
- While security design is important, aiming for perfect security may require delays and barriers to uptake that would block effectiveness.
- Independent assessment is needed to understand and manage potential risks technology systems at scale and under real conditions.

¹ Data Futures Partnership, "A Path to Social Licence" (August 2017)
<https://web.archive.org/web/20190119061145/https://trusteddata.co.nz/wp-content/uploads/2017/08/Summary-Guidelines.pdf>

Privacy

- Existing privacy law is robust but flexible, and can be applied while allowing the use of contact tracing technologies.
- Participants asked whether data could be minimised in how much is collected, how long it is held, how widely it is shared, and by requiring deletion after the need for contact tracing passes.

Human rights

- Measures that have an adverse impact on human rights including privacy must follow the principles of legality, necessity, and proportionality.
- One of the key issues is the longevity of any proposed measure. How do we roll back the mechanisms being introduced during the crisis? Government needs to articulate how long the measure will be in place.
- Another key issue is accessibility. Proposed solutions could be prohibitive for some, eg in order to go back into the world you need to sign up - this could put barriers up for people who don't have access to technology etc.
- Governments could use the tech to target minority groups or dissidents.
- There is a body that is accepting complaints - special rapporteurs at the UN who are monitoring the situation - can take cases to them.

Māori data sovereignty, and honouring Te Tiriti

- Māori have rights and interests under Te Tiriti, including continuing sovereign rights that apply to new technologies and uses of data about Māori people.
- This concept of Māori data sovereignty needs to be meaningfully incorporated by government in this context.

The impacts of COVID-19 will not be equal, and may disproportionately affect Māori

- Māori have historically been disproportionately affected by the health and economic impacts of a pandemic. This should be considered when evaluating responses to COVID-19.
- Digital solutions are often inequitable, they do not work for all communities equally. Māori need to be involved in the design and implementation of the COVID-19 response.

The government needs to consult with Māori health experts and the broader community

- Te Tiriti requires the Crown to consult with Māori, even in an emergency where urgent actions are being taken. It is not clear this is happening with COVID-19.
- There should be meaningful, urgent consultation with Māori health experts, and Māori communities and Māori contact tracers. Whanaungatanga is an important feature of te Ao Māori and indigenous knowledge will be valuable in Māori contact tracing.

Tech-based solutions should be developed with Māori data sovereignty principles in mind

- Any technology solution for contact tracing needs to be measured against principles of Māori data sovereignty. Te Mana Raraunga is a network that is equipped to assist with this work.

Conclusion

InternetNZ was pleased to host an online conversation on technologies for contact tracing. Our goal was to offer a forum for people to hear and share key perspectives, not to advocate a particular solution. The purpose of this document is to summarise that online conversation, which took place in [our collaborative Google Doc](#) and through a Zoom meeting on April 17. We think a few key points are worth highlighting:

- People were highly interested and engaged, which indicates the depth of public interest in this issue. We were pleasantly surprised to have 160 registrations and over 80 people contributing to our shared Google Document, which is still developing thanks to continued work by people in the community;
- People are open to technical solutions, but also want to understand how they complement other social, legal, and public health interventions. People are also concerned that proposed tech solutions will be ineffective if they do not take into account the realities of people's lives including the digitally excluded;
- A range of concerns were raised, including technical challenges, security, privacy, honouring te tiriti and human rights concerns. People want to know how these will be managed, and there was clear support for early engagement and steps to uphold transparency;
- It is vital to test, build and maintain trust in the wider community and in specific affected communities, through a clear governance framework, early consultation and ongoing engagement. It seems better address concerns openly and early rather than risking later and more costly conflicts;
- We could only start this conversation. There are people and communities we could not reach, including vulnerable people who may face the highest risks, or be less likely to trust technical or government processes. More is needed.