

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4170

STATE OF NEW JERSEY

DATED: JUNE 9, 2020

The Assembly Community Development and Affairs Committee reports favorably Assembly Bill No. 4170.

This bill provides that public health entities, including the Department of Health, county and local boards of health, and other entities that collect data regarding an individual for the purposes of contact tracing related to the coronavirus disease 2019 (COVID-19) pandemic, may only use the data for the purposes of completing contact tracing.

Contact tracing is the process of identifying, and providing support services to, individuals who may have been exposed to COVID-19 through contact with a person who has tested positive for COVID-19 or who has had a serious risk exposure. Contact tracing may include both verbal interviews with individuals and the use of digital data, such as Bluetooth data and data from global positioning systems, to conduct proximity investigations and identify when individuals may have been in close contact with others.

The bill requires public health entities to ensure that health and location data collected for contact tracing is deleted from the entity's records no later than 30 days after the date the data is received by the entity. If the public health entity shares contact tracing data with a third party entity, the public health entity will be required to publish the name of third party entity on the public health entity's Internet website or on the Internet website of the Department of Health. The third party entity will be subject to the same restrictions on the use of the data as apply to public health entities, and will be required to delete the data by the date on which the public health entity is required to delete the data. To this end, the Commissioner of Health is to require that systems using health and location data for contact tracing automatically delete the data no later than 30 days after the data is entered into the system.

A third party entity that misuses or unlawfully discloses COVID-19 contact tracing data shared with it by a public health entity, or that retains the data beyond the date on which the data is required to be deleted, will be liable to a civil penalty of up to \$10,000, which

will be collected by and in the name of the Commissioner of Health in a summary proceeding before a court of competent jurisdiction.

The bill requires that, no later than 30 days after the effective date of the bill, the Commissioner of Health will be required to publish on its Internet website proposed guidance on how public health entities and third party entities may use data collected for contact tracing related to the COVID-19 pandemic, and how those entities will be required to ensure the security and confidentiality of that data, including any specific internal audit requirements those entities will be required to implement to guard against misuse or unauthorized disclosure of the data. The commissioner is to create a mechanism for members of the public to submit comments on the proposed guidance, allow for a public comment period of at least 30 days, and, no later than 30 days after the public comment period closes, publish final guidance on the use of data collected for the purposes of contact tracing related to the COVID-19 pandemic, which final guidance may incorporate appropriate revisions based on public comments received. The process of adopting data use guidance under the bill will not prohibit or delay the implementation of the remaining provisions of the bill restricting the use of COVID-19 contact tracing data, which requirements will take effect immediately upon enactment.

The bill will expire one year after the end of both the state of emergency and the public health emergency declared in response to the COVID-19 pandemic.