

ASSEMBLY RESOLUTION No. 167

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Assemblyman GERARD SCHARFENBERGER

District 13 (Monmouth)

SYNOPSIS

Establishes Assembly Select Committee on COVID-19 Contact Tracing Data Privacy.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ASSEMBLY RESOLUTION** establishing the Assembly Select
2 Committee on COVID-19 Contact Tracing Data Privacy.
3

4 **WHEREAS**, The coronavirus disease 2019 (COVID-19), which
5 originated in China in December 2019, has since developed into a
6 global pandemic that, as of June 1, 2020, has resulted in more than
7 6.8 million infections and 375,000 deaths worldwide, with
8 approximately 1.8 million positive cases identified and 104,000
9 confirmed deaths in the United States and over 160,000 cases and
10 nearly 12,000 deaths in New Jersey; and

11 **WHEREAS**, Because of a lack of widespread, effective testing, many
12 experts believe that positive cases of COVID-19 are currently
13 underreported, and the number of cases is actually significantly
14 higher; and

15 **WHEREAS**, Many people who have contracted COVID-19 are
16 asymptomatic, which may enhance the risk that, not aware of their
17 infection, they will interact with others and unintentionally spread
18 the disease; and

19 **WHEREAS**, Because of the highly contagious nature of COVID-19 and
20 the fact that many people with the disease may be spreading it
21 without ever being aware that they have become infected, one of
22 the primary tools to combat the COVID-19 pandemic is contact
23 tracing, which is the process of identifying which individuals an
24 infected person may have come into contact with in order to trace
25 the potential spread of the disease and take steps to prevent future
26 exposures; and

27 **WHEREAS**, Two major components of contact tracing include
28 interviews with infected persons and the collection of digital data
29 from Bluetooth and global positioning systems to identify
30 individuals who may have come into contact with an infected
31 person; and

32 **WHEREAS**, Particularly with regard to the use of digital data, experts
33 and advocates have raised significant concerns about how that data
34 will be collected, used, stored, and potentially subject to disclosure
35 or misuse; and

36 **WHEREAS**, It is essential that the need for contract tracing as a means
37 of limiting the spread of COVID-19 be balanced against the privacy
38 rights of individuals with regard to their digital data and private
39 health information; and

40 **WHEREAS**, It is therefore incumbent on this House to convene a select
41 committee to study issues related to the use of data collected for the
42 purposes of contact tracing, and develop recommendations for
43 appropriate restrictions, protocols, standards, and best practices to
44 limit the use of these data and preserve the rights of individuals
45 without inhibiting the use of contact tracing to stop the spread of
46 COVID-19 in the State; now, therefore,

1 **BE IT RESOLVED** *by the General Assembly of the State of New*
2 *Jersey:*

3

4 1. a. There is established the Assembly Select Committee on
5 COVID-19 Contact Tracing Data Privacy, which shall be tasked
6 with reviewing matters pertaining to how data collected from
7 individuals for the purposes of conducting contact tracing related to
8 the coronavirus disease 2019 (COVID-19) pandemic will be used,
9 including, but not limited to:

10 (1) what types of data are collected by contract tracers;

11 (2) recommended requirements and best practices to ensure the
12 privacy of personal information, as well as the confidentiality of
13 private health data in compliance with the requirements of the
14 federal "Health Insurance Portability and Accountability Act of
15 1996," Pub.L.104-191, and related regulations;

16 (3) mandatory protocols and best practices for collecting,
17 storing, and restricting access to contact tracing data;

18 (4) the authorized uses of data collected for contact tracing and
19 specific restrictions on how the data may be used;

20 (5) the length of time that contact tracing data may be retained
21 by an entity involved in performing contact tracing;

22 (6) mandatory protocols and best practices regarding the
23 destruction of data collected for contact tracing purposes;

24 (7) appropriate measures to prevent data mining; and

25 (8) any other topics or issues of relevance to the committee.

26 b. The committee shall comprise nine members of the General
27 Assembly, with five members to be appointed by the Speaker of the
28 General Assembly and four members to be appointed by the
29 Minority Leader of the General Assembly. The Speaker of the
30 General Assembly shall appoint a chairperson of the committee and
31 the Minority Leader of the General Assembly shall appoint vice-
32 chairperson. The chairperson may appoint a secretary, who need
33 not be a member of the commission. The members of the
34 committee shall be appointed and the committee shall organize no
35 later than 30 days after the effective date of this resolution.

36 c. No later than 60 days after it first organizes, the committee
37 shall produce and submit to the General Assembly a report of its
38 findings and recommendations for legislation or other appropriate
39 actions to address issues related to the security and privacy of data
40 collected for the purposes of contact training. The committee shall
41 dissolve upon submission of its report.

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43 2. This resolution shall take effect immediately and shall expire
44 30 days after the date the committee submits its report to the
45 General Assembly pursuant to subsection c. of section 1 of this
46 resolution.

STATEMENT

This resolution establishes the Assembly Select Committee on COVID-19 Contact Tracing Data Privacy, which will be tasked with reviewing matters pertaining to how data collected from individuals for the purposes of conducting contact tracing in response to the coronavirus disease 2019 (COVID-19) pandemic will be used, including, but not limited to:

- (1) what types of data are collected by contract tracers;
- (2) recommended requirements and best practices to ensure the privacy of personal information, as well as the confidentiality of private health data in compliance with the requirements of the federal "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191, and related regulations;
- (3) mandatory protocols and best practices for collecting, storing, and restricting access to contact tracing data;
- (4) the authorized uses of data collected for contact tracing and specific restrictions on how the data may be used;
- (5) the length of time that contact tracing data may be retained by an entity involved in performing contact tracing;
- (6) mandatory protocols and best practices regarding the destruction of data collected for contact tracing purposes;
- (7) appropriate measures to prevent data mining; and
- (8) any other topics or issues of relevance to the committee.

The committee will comprise nine members of the General Assembly, with five members to be appointed by the Speaker of the General Assembly and four members to be appointed by the Minority Leader of the General Assembly. The Speaker of the General Assembly will appoint a chairperson of the committee and the Minority Leader of the General Assembly will appoint vice-chairperson. The chairperson may appoint a secretary, who need not be a member of the commission. The members of the committee are to be appointed, and the committee is to organize, no later than 30 days after the effective date of this resolution.

No later than 60 days after it first organizes, the committee will be required to produce and submit to the General Assembly a report of its findings and recommendations for legislation or other appropriate actions to address issues related to the security and privacy of data collected for the purposes of contact training. The committee will dissolve upon submission of its report, and this resolution will expire 30 days after the submission of the committee's report.