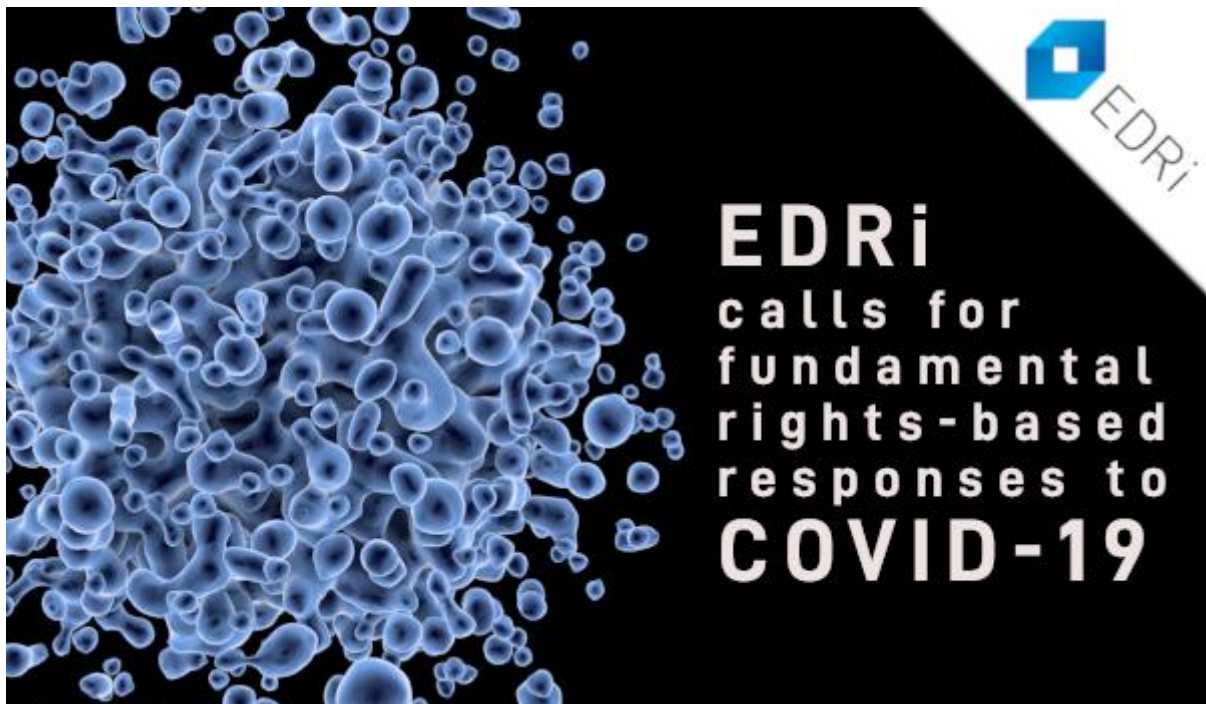


EDRi calls for fundamental rights-based responses to COVID-19

Some of the actions taken by governments and businesses under exceptional Coronavirus circumstances today, can have significant repercussions on freedom of expression, privacy and other human rights both today and tomorrow.

By **EDRi** · March 20, 2020

The Coronavirus (COVID-19) disease poses a global public health challenge of unprecedented proportions. In order to tackle it, countries around the world need to engage in co-ordinated, evidence-based responses. Our responses should be grounded in solidarity, support and respect for human rights, as the Council of Europe Commissioner for Human Rights has [highlighted](#). The use of high-quality data can support the vital work of scientists, researchers, and public health authorities in tracking and understanding current pandemic.



However, some of the actions taken by governments and businesses under exceptional circumstances today, can have significant repercussions on freedom of expression, privacy and other human rights both today and tomorrow. We are already seeing the launch of legal initiatives to [tackle misinformation](#), but sometimes with [disproportionate reactions](#) from governments. Similarly, we are witnessing a [surge in emergency-related policy initiatives](#), some of them [risking the abuse of sensitive personal data in an attempt to safeguard public health](#). When acting to address such a crisis, measures cannot lead to disproportionate and unnecessary actions, and it is also vital that measures are not extended once we are no longer in a state of emergency.

In these circumstances, European Digital Rights (EDRi) calls on the Member States and institutions of the European Union (EU) to ensure that, while taking public health measures to tackle COVID-19, they:

- **Strictly uphold fundamental rights:** Under the European Convention on Human Rights, [any emergency measures which may infringe on rights must be](#) “temporary, limited and supervised” in line with the Convention’s Article 15, and cannot be contradictory to international human rights obligations. Similar wording can be found in Article 52.1 of the EU Charter of Fundamental Rights. Actions to tackle coronavirus using personal health data, geolocation data or other metadata must still be necessary, proportionate and legitimate, must have proper [safeguards](#), and cannot excessively undermine the fundamental right to a private life.
- **Protect data for now and the future:** Under the General Data Protection Regulation (GDPR) and the ePrivacy Directive, location data is personal data, and therefore is subject to high levels of protection even when processed by public authorities or private companies. Location data revealing movement patterns of individuals is notoriously difficult to anonymise, although many companies claim that they can do this. Data must be anonymised to the fullest extent, for example through aggregation and statistical counting. COVID-19 cannot be an opportunity for private entities to profit, but rather can be an opportunity for the EU’s Member States to adhere to the highest standards of data quality, processing and protection, with the guidance of national data protection authorities, the European Data Protection Board (EDPB) and the European Data Protection Supervisor (EDPS).
- **Limit the purpose of data for COVID-19 crisis only:** Under law, the data collected, stored and analysed in support of public health measures must not be retained or used outside the purpose of controlling the coronavirus situation.
- **Implement exceptional measures only for the duration of the crisis:** The necessity and proportionality of exceptional measures taken during the COVID – 19 crisis must be reassessed once the crisis is ameliorated. Measures should be time limited and subject to automatic review for renewal at short intervals.
- **Keep tools open:** To preserve public trust, all technical measures to manage coronavirus must be transparent and must remain under public control. In practice, this means using free/open source software when designing public interest applications.
- **Condemn racism and discrimination:** Measures taken should not lead to discrimination of any form, and governments must remain vigilant to the disproportionate harms that marginalised groups can face.
- **Defend freedom of expression and information:** In order to take sensible, well-informed decisions, we need access to good-quality, trustworthy information. This means protecting the voices of human rights defenders, independent media, and health professionals more than ever. In addition to this, the [increased use of automated tools to moderate content](#) as a result of fewer human moderators being available needs to be carefully monitored. Moreover, a complete suspension of attention-driven advertising and recommendation algorithms should be considered to mitigate the spread of disinformation that is already ongoing.

- **Take a stand against internet shutdowns:** During this crisis and beyond, [an accessible, secure, and open internet will play a significant role in keeping us safe](#). Access for individuals, researchers, organisations and governments to accurate, reliable and correct information will save lives. Attempts by governments to cut or restrict access to the internet, block social media platforms or other communications services, or slow down internet speed will deny people vital access to accurate information, just when it is of paramount importance that we stop the spread of the virus. The EU and its Member States should call on governments to immediately end any and all deliberate interference with the right to access and share information, a human right and vital to any public health and humanitarian response to COVID-19.
- **Companies should not exploit this crisis for their own benefit:** Tech companies, and the private sector more broadly, need to respect existing legislation in their efforts to contribute to the management of this crisis. While innovation will hopefully have a role in mitigating the pandemic, companies should not abuse the extraordinary circumstances to monetise information at their disposal.

Read more:

- **Coronavirus: New ARTICLE 19 briefing on tackling misinformation (16.03.2020)**
<https://www.article19.org/resources/coronavirus-new-article-19-briefing-on-tackling-misinformation/>
- **EFF: Protecting Civil Liberties During a Public Health Crisis (10.03.2020)**
<https://www.eff.org/deeplinks/2020/03/protecting-civil-liberties-during-public-health-crisis>
- **People First: Wikimedia’s Response to COVID-19 (15.03.2020)**
<https://medium.com/freely-sharing-the-sum-of-all-knowledge/wikimedia-coronavirus-response-people-first-8bd99ea6214b>
- **Access Now: Protect digital rights, promote public health: toward a better coronavirus response (05.03.2020)**
<https://www.accessnow.org/protect-digital-rights-promote-public-health-towards-a-better-coronavirus-response/>
- **Privacy International – Tracking the Global Response to COVID-19 (19.03.2020)**
<https://privacyinternational.org/examples/tracking-global-response-covid-19>
- **noyb: Data Protection under COVID-19**
https://gdprhub.eu/index.php?title=Data_Protection_under_COVID-19
- **Statement of the EDPB Chair on the processing of personal data in the context of the COVID-19 outbreak (16.03.2020)**
https://edpb.europa.eu/news/news/2020/statement-edpb-chair-processing-personal-data-context-covid-19-outbreak_en