



Rights advocates say time limits necessary for outbreak surveillance measures, facial biometrics less so

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Governments are increasingly turning to facial biometrics and other advanced technologies to slow the spread of coronavirus, but United Nations Special Rapporteur on the Right to Privacy Joseph Cannataci is warning that surveillance measures introduced during the crisis could cause lasting damage to privacy rights, [Reuters](#) reports.

“Dictatorships and authoritarian societies often start in the face of a threat,” Cannataci told Reuters. “That is why it is important to be vigilant today and not give away all our freedoms.”

New biometrics deployments and smartphone monitoring have been rolling out in response to the pandemic, and the Rapporteur says safeguards should be put in place to ensure responses are necessary and proportionate. Surveillance measures should be adopted with clear time limits, he suggests.

“Any form of data can be misapplied in incredibly bad ways,” he says. “If you have a leader who wants to abuse the system, the system is there.”

Other rights observers feel similarly, but conflicted.

Glen Greenwald, co-founder of the Intercept, tells [Buzzfeed News](#) that he is concerned about civil liberties. “But at the same time, I’m also much more receptive to proposals that in my entire life I never expected I would be, because of the gravity of the threat.”

Greenwald won the Pulitzer Prize in 2014 for reporting on NSA surveillance practices leaked by Edward Snowden, but he admits the challenge in balancing concern about rights-eroding surveillance and concern about public health.

“We have to be very careful not to get into that impulse either where we say, ‘Hey, because your actions affect the society collectively, we have the right now to restrict it in every single way.’ We’re in this early stage where our survival instincts are guiding our thinking, and that can be really dangerous. And I’m trying myself to calibrate that.”

Other surveillance skeptics, including former New Mexico Governor Gary Johnson, who ran for President for the Libertarian Party in 2016, and the Electronic Frontier Foundation (EFF), expressed reservations about crisis measures being extended.

BuzzFeed notes the claims of camera-makers offering fever detection, and that increasing number of surveillance cameras always concern civil liberties advocates. EFF Analyst Matthew Guariglia is particularly skeptical about the benefit of facial recognition to illness transmission prevention.

“The deployment of face recognition, as a way of preventing the spread of virus, is something that does not pass the sniff test at all,” Guariglia said. “Even the companies themselves, I don’t think, can put out a logical explanation as to how face recognition, especially Clearview, would help.”

Electronic Privacy Information Center (EPIC) President and Executive Director Marc Rotenberg told BuzzFeed News that a balance is possible.

“People like to say, ‘well, we need to strike a balance between protecting public health and safeguarding privacy’ — but that is genuinely the wrong way to think about it,” Rotenberg said. “You really want both. And if you’re not getting both, there’s a problem with the policy proposal.”

Cato Institute Analyst Julian Sanchez expressed worry that it is not clear adequate restrictions have been put on emergency measures, and that the coronavirus threat, like the “was on terror,” is a threat with no clear end.

Against this backdrop, a joint statement has been issued by a huge coalition of civil society groups calling for states not to use the pandemic as “cover to usher in a new era of greatly expanded systems of invasive digital surveillance.”

More than a hundred groups, including Privacy International, Amnesty International, the Center for Digital Democracy, Chaos Computer Club, EPIC, Human Rights Watch, the International Commission of Jurists, OpenMedia, PEN International, and the World Wide Web Foundation issued a statement calling for governments to ensure that digital technologies are only used for tracking and monitoring people in a way that is consistent with human rights.

They set out eight conditions for digital surveillance implementations to meet to make sure of this consistency, including that they be lawful, necessary and proportionate, time-bound, data use it limited to the current pandemic and protected. They say protections against abuse of the technology and data must be put in place, and responses should be inclusive of marginalized groups. Biometrics and facial recognition are not explicitly mentioned in the statement.