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Corona Virus: Privacy in a Pandemic

Gurpreet Kaur, Research Scholar,

Desh Bhagat Univesity,Amloh, Punjab

Abstract

This paper tries to highlight that situation that has been emerged in this contemporary world. The outbreak of pandemic like corona virus has put the whole world in a war like situation. To fight with this problem, it is considered that there is a need to follow the rules and regulation that has been laid by the authorities to combat this problem. Otherwise, this virus took the life of people. Hence, the authorities has declared lockdown in the country which further laid the conflict of existence of right to privacy. Not only this, but the right to excess data and right to monitor the person with the help of digitalisation add fuel to the situation. Thus, this paper tend to analyse how the fate of human being can be maintained in spite of such pandemic situation. This paper also tries to find out the different modes in which countries try to monitor the activities of its citizen.

Keywords: digitalisation ,pandemic, authorities, combat, lockdown

Introduction

The year 2020 has marked the history in which the whole world has become sweep-stake as countries grapple with the global threat of COVID-19. Most of the countries are clouting users' location data and tracking apps to choose potential contamination paths. In such cases, the privacy risks are justified .However, the question which arises is does the Australian government actually have the power to use our data for this purpose? This loosening of reins, however, is not absolute. While it is completely reasonable to determine that such a public crisis requires more flexibility, the risks of processing personal data are still very much present and in need of mitigating. Even the ways in which suspensions are being made to the GDPR requirements seem to reflect this fact.

Objective

This paper tries:

to analyze whether we are becoming more relaxed about privacy or we are in danger of allowing Government and corporation to trample over our rights using the excuse of the emergency.

to analyze the relation between Right to Privacy and Right to Life.

to check the validation or relevance of other fundamental rights in hard time or during emergency or pandemic.

to know how digitalisation has become more prominent factor to put the rights on hold in this digitalisation world.

Research Methodology:

The method used to analyse this paper is both primary as well as secondary. Primary data has been taken from the general talks and the statements given by persons in television and social networking sites. The source of secondary data is newspaper, journal and so on. The paper is written in descriptive manner.

Review of Literature

- Nicole Wetsman wrote an article on **Personal Privacy matters during a Pandemic but less than it might at other times**[1]. In this article, the author gathered information from the other expertise who faced problems while asking people about their personal life . Well, as everyone knows that outbreak of Corona virus has shaken the whole world. It not only takes the life of person but also harm or put deep impact on the privacy of a person. The author also took the statement which is given by Lisa Lee, director of the division of Scholarly Integrity and Research Compliance at Virginia Tech and Former executive Director of the Obama Administration President Bioethics Commission says that 'sometimes it requires we know Private information about a person who has been infected'.
  In this statement , the author tries to find the information about the person which is his personal or there are chances a person might not wish to share with others. The author also talks about new laws, which has made due to this pandemic. The public health system has set different legal permission and protection. New application like HIPPA and Aarogya Setu have also made which would help a doctor to get information about a person without his consent. Thus , the author talk about how the privacy has put on stake to protect the life of masses.

- Rory Cellan Jones : Technology Correspondence writes on **Corona virus : Privacy in a Pandemic**[2] writes about different nations for whom privacy matters the most. However new apps are making just to gather information or trace the contact of anyone infected with COVID-19. The author not only talk about such apps but also openly talks about the online cabinet meetings that are now openly being accessed by British Ministers with openly disclosing their meeting ids and username. People are also sharing their private and personal moments online without being worrying about exposing or prevailing their privacy right. The author also share the question that has been raised by several people on this crucial issue such as Can we really build proximity tracing while preserving privacy completely? Thus, the author concluded by saying that virus is forcing us to confront difficult question about our priorities.

- Alaina Lancaster wrote an article on **Privacy in a Pandemic: What You Can (and Can't) Ask Employees**[3]. In her article , she explained the situation of work place in which it is difficult to maintain the balance between public health and privacy. She also illustrates that it is important to gather information as it is a need of an hour . however , she also in scripted that one should keep in mind about the privacy of a person. She also described that how the answers cannot be gathered regarding such questions straight away , as it also gets evolved with the passage of time and with the time , it gets evolved. She also talked about the challenge which has been faced by several companies as for each country has different rules and regulations and different methods to do the business. She concluded her article by suggesting that one must make a list of frequently asked questions from managers and employees and work and focus should be done according to that.

[1] Wetsman Nicole"Personal Privacy Matters during a Pandemic-but less than it might at other times",published at The Verge on 12 March,2020

[2]Jones Cellan Rory "Coronavirus: Privacy in a Pandemic" published in the BBC news on 2 April,2020

[3]Lancaster Alaina, "How to heed Privacy Law in Midst of a Pandemic" published in 'The Recorder' March,2020.

Privacy is a vague concept

Law is so diverse and it has so many branches and so many aspects. Vagueness of privacy means that it frequently becomes entangled with other substantive ideologies. It appears in discussions about wire trapping , contraception , sexual intercourse, domestic life , communication technologies , gender roles, digital markets , financial transactions, and a great number of other contexts. To illustrate it, to know whether a person travel at other nation or any other city, is might be illegal but the same thing when is being posted by a person in his social networking sites in the form of status, check-in, or pictures it becomes legal . Then, privacy's vagueness come to an edge.

Putting privacy at their core

Personal data is a complicated asset. Personal data is an extremely valuable tool; it is capable of being leveraged to inform decisions and policies, and reach such specific and targeted conclusions to complicated questions, that it borders on clairvoyance. As is often the case, there are two sides to this coin. Personal data also presents substantial risk, to the individuals to which that data pertains, and to the organizations using it, which now needs to operate under ever-increasing regulation. Governments and companies alike are rushing to leverage personal data to its utmost capacity and bring this pandemic to a speedy end, while still maintaining the privacy of the sick and vulnerable. One possibility is to use location history data from the mobile phones of confirmed cases, to help track and trace the spread of infection. This suggestion clearly raises complex privacy issues as well as, it also puts the privacy at its core as it is hard to know what in actual exclude or include in privacy.

Privacy in a pandemic

Well, the static has been changing drastically, and the number of cases of Coronavirus in the world has crossed 14 lakh and in the same way ,mortailty rate has also been increasing. In such kind of circumstances, it is important to trace the person and isolate that person so that this thing can be mitigated. Hence, it is important that a person who test positive with COVID-19, his data could be used to track and list every location where a person (or, more accurately, their phone) had been over the preceding few weeks. Using that list, it would then be possible to identify every phone that had been in close proximity to the person's phone during that time. The owners of those phones could then be tested, even though they may not necessarily have developed symptoms or suspected that they had come into contact with the corona virus. The government could do this in a systematic way. It could assemble everyone's location history into a single, searchable database that could then be cross-referenced against the locations of known clusters of infection. This would allow contact tracing throughout the entire population, creating a more proactive way to track down suspected cases. Here, the privacy problem arises where it can be asked do we want the government to assemble a searchable database showing the locations of almost every person over the past month?

Some people will undoubtedly find it a confronting prospect to be contacted by the government and told that surveillance analysis suggests they need to be isolated or tested. Others will be concerned that such a database, or the broad surveillance capability that underpins it, could be used to intrude on our privacy in other ways.

Digital Tracking

The use of personal information for the provision of a service, research purposes, identity verification, and a countless array of other objectives that range from benign and boring, to potentially predatory and malicious, has become ubiquitous in modern society.

Digital Tracking information is Ubiquitous today as different Applications has been developed which are being used in the worldwide to monitor the record and activity of citizens of that particular country. These are as follow:

Russia's Social Monitoring app for citizens who have tested positive for COVID-19, will access to calls, location , camera , storage , network information and other data to check they do not leave their home while contagious.

Taiwan also has been using network data to monitor citizens in quarantine, in one case resulting in a man getting a visit from the police 45 minutes after his phone went flat.

In **Israel**, the most extreme software option is a software tool being touted by the Israeli spyware firm NSO Group. It envisages government telling mobile phone operators to hand over all their data on the movements of every subscriber.

In **India**, Aarogya Setu, app empowers the users by informing about potential risk of infection through Bluetooth contact tracing; and equips people with self-assessment tools and contextual advice.

From China to Singapore to Isreal, Governments have ordered electronic monitoring of their citizens' movements in an effort to limit contagion. In Europe and the United states , technology firms have begun sharing "anonymized" smartphone data to better track the outbreak.

Digital surveillance and smart phone technology may prove helpful for congestion of the corona virus may prove helpful in contain the corona virus pandemic- but some activists fear this could mean lasting harm to privacy and digital rights. Some vulnerable group of people said ," many would invade our privacy and deter our free speech.

Sr. no.	Country Name	Application name
1	India	Aarogya Setu
2	Singapore	Trace Together
3	Europe	Pan -European app
4	Israel	Counter-terror
5	London	DP-3T
6	US	CoEpi
7	China and South Korea	FluPhone

How information may be shared?

After studying everything, the question which come in almost everyones' mind is that what ways are there to solve the problem than and where and how much data can be shared and to whom it can be shared? One of the citizens of UK tries to give the answer of these questions.

Rohan[4], who is based in London, said it's more likely that UK telecoms could potentially share statistically de-identified or pseudonymous information, which mitigates some of the risks of processing that data, but still requires it to be treated as personal data.

According to him, the bigger challenge is when authorities are asking people to check in with apps at certain times to study the spread of contagion via exact location and correlate with contact or proximity.

"As with a lot of data, there are potentials for huge upsides in being able to track individuals. But there's also the potential for the dystopian use of such information," he said.

- Do not reveal the identities of individuals to the public or provide information that could accurately identify people who are under investigation for exposure to COVID-19.
- Be prudent with your employees in sharing the latest CDC information regarding prevention and efforts by government and businesses in limiting exposure of people to COVID-19.

[4] A student and citizen of London and a telecomer.

- Use continued due diligence in collecting, using, and storing health information of employees. Publicizing of employees who have contracted the disease is counterproductive.
- Assess your organization's third-party relationships, including business and strategic partners, which might involve the transfer, sharing or release of employee data.
- Ensure that proper authentication and authorization controls are in place to access sensitive information. How does the organization verify the identity of calls wishing to either access their health information or inquire about the status of its employees?
- Assure your employees of the continued control posture that their data is maintained in the enterprise. Continue to educate employees regarding your organization's privacy policy.
- Continue with security efforts to monitor networks and access for anomalies, since others may think your attention is diverted to pandemic issues.

To conclude, I pen down saying that data privacy regulations are still attempting to nail down the balance between extracting value from personal data and protecting the individuals that are the sources of such data. The managing of the COVID-19 outbreak by governments worldwide will represent the equivalent of case law, further fine-tuning our understanding of where and when to protect personal data, and where and when to leverage it. However, whosoever is working or forming such kind of applications are trying to use as much as less data as it can and proper measure should be considered to protect the privacy and apply it effectively. So that it does not harm the Right to privacy and also help to fight with such pandemic. I would like to wrap up by the words of Bruno Mcaes[5],

"I am more and more convinced the greatest battle of our time is against the 'religion of Privacy'. It literally could get us all kiled."

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