



March 26, 2021

Chairwoman Warren and Members of the Committee,

When we consider the importance of the integrity of data privacy we often think about the Fourth Amendment:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

This Amendment in the U.S. Constitution took on some new meaning when we encountered the COVID-19 pandemic. We believe that it is incumbent upon the legislature to ensure the government’s pandemic response is efficient, transparent, equitable, and perhaps most importantly, it does not violate people’s fundamental civil and privacy rights.

Rather than assemble giant databases of personal information like South Korea or China has, U.S. government public health experts should use anonymized location data not linked to individuals. We should also explore decentralized approaches to contact tracing.

In any case, U.S. health officials must protect our privacy by ensuring that any data collected for use in this current health crisis isn’t repurposed for other government uses. And both businesses and governments involved in this effort must tell the public how data is being collected, shared, and used.

For these reasons, we applaud the swift work and foresight of the legislature to enact the contact tracing protection mechanisms into statute to protect the privacy of persons whose information is collected through contact tracing and outline its confidentiality. We support the removal of the sunset date on this statute in the legislation before you today.

For similar reasons, we see many groups opposing Federal legislation that threatens to undermine privacy protections held within the First Amendment. Our freedoms and liberties are the solutions to uncivil times. This is a critical moment for our country and protecting—rather than eroding—foundational rights clears the way for Americans to work together to solve the challenges ahead of us.

Transparency and accountability are for the government; privacy is for the people.

Sincerely,

Elizabeth Patton

State Director

Americans for Prosperity- Kansas