

NAME OF EVENT: Technology and Privacy During a Pandemic: Should Government Surveillance Be Used to Stop the Spread of COVID-19?

(This event has been approved for 1 hour of California MCLE credit.)

DATE | TIME | LOCATION: April 1, 2020 | 1:00 p.m. to 2:00 p.m. ET | Briefing Call

BRIEF DESCRIPTION: In an effort to stop the spread of COVID-19, the U.S. government is considering using technology to enforce “social distancing” and track the whereabouts of infected Americans. Although details of such government proposals are still vague, critics question whether the government is trying to sidestep the Fourth Amendment and sanction warrantless surveillance in the name of public health. These proposals are particularly sensitive for technology companies who faced a severe backlash in 2013 following disclosures about the role they played in surveillance by the National Security Agency. Can the government use digital surveillance to combat COVID-19 without violating the Fourth Amendment? What safeguards might be put in place to allow technology to be helpful in combatting the pandemic while observing constitutional rights? What role beyond surveillance might technology play in addressing the COVID-19 crisis that might not raise constitutional concerns? And how do we ensure that any surveillance authorized in the context of this crisis is no longer permitted after the pandemic is over?

SPEAKERS’ NAMES AND BIOS:

Jennifer Daskal, Professor of Law and Faculty Director of the Tech, Law, and Security Program, American University Washington College of Law

Greg Nojeim, Senior Counsel and Director of the Freedom, Security, and Technology Project, Center for Democracy and Technology

Debra Perlin, Director of Policy and Program, ACS, *Moderator*

AGENDA OF CONFERENCE CALL:

5 minutes introduction
30 minutes speakers’ presentations
20 minutes Q&A
5 minutes conclusion

MATERIALS FOR CALL:

Matthew Guariglia & Adam Schwartz, [Protecting Civil Liberties During a Public Health Crisis](#), ACSBlog (March 19, 2020).

Tony Romm, et. al., [*U.S. Government, Tech Industry Discussing Ways to Use Smartphone Location Data to Combat Coronavirus*](#), WASH POST (March 17, 2020).

Amir Cahane, [*The Israeli Emergency Regulations for Location Tracking of Coronavirus Carriers*](#), LAWFARE (March 21, 2020).

Alan Rozenshtein, [*Government Surveillance in an Age of Pandemics*](#), LAWFARE (March 23, 2020).

Joseph Cox, [*Surveillance Company Says It's Deploying 'Coronavirus-Detecting' Cameras in US*](#), VICE (March 17, 2020).

Thomas Brester & Deniz Cam, [*To Fight Coronavirus, This City is Asking 911 Callers To Agree To Self-Surveillance*](#), FORBES (March 17, 2020).

Richard A. Clarke, et. al., THE NSA REPORT: LIBERTY AND SECURITY IN A CHANGING WORLD, (Princeton University Press, 2014) (Reprinting of [*President's Review Group on Intelligence and Communications Technologies: Liberty and Security In a Changing World*](#))

Neema Singh Guliani, [*Congress Just Passed a Terrible Surveillance Law. Now What?*](#), ACLU BLOG (Jan. 18, 2018).

Colleen Walsh, [*A 'Sitdown' With Snowden*](#), THE HARVARD GAZETTE (Oct. 21. 2014).