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U.S. SENATE CLIMATE CHANGE TASK FORCE

## United States Senate

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March 19, 2020

Michael Kratsios  
Chief Technology Officer of the United States  
Office of Science and Technology Policy  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue, NW  
Washington, DC 20504

Dear Mr. Kratsios:

I write regarding reports that, to fight COVID-19, the federal government is considering plans to use Americans' smartphone location data. Although I agree that we must use technological innovations and collaboration with the private sector to combat the coronavirus, we cannot embrace action that represents a wholesale privacy invasion, particularly when it involves highly sensitive and personal location information. I urge you to balance privacy with any data-driven solutions to the current public health crisis.

According to the *Washington Post*, federal government officials are engaging with technology companies to consider using location data collected from Americans' smartphones to track the coronavirus.<sup>1</sup> The *Post* reported that you recently "convened meetings to leverage the tech expertise of Amazon, Apple, Facebook, Google, IBM and other technology leaders" to work on coronavirus-related issues.<sup>2</sup> The Trump administration reportedly is "not seeking to collect and maintain a database of Americans' whereabouts" but is instead "looking to leverage aggregated, anonymized data to glean key insights for COVID-19 modeling efforts."<sup>3</sup>

However, attempting to limit smartphone location data in this manner is insufficient to preclude violations of Americans' privacy. A person's location information can reveal other sensitive details, such as a place of employment, religious affiliation, or political preferences. We need assurances that collection and processing of these types of information, even if aggregated and anonymized, do not pose safety and privacy risks to individuals.<sup>4</sup>

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<sup>1</sup> Tony Romm, Elizabeth Dvoskin and Craig Timberg, *U.S. government, tech industry discussing ways to use smartphone location data to combat coronavirus*, Wash. Post (Mar. 17, 2020), <https://www.washingtonpost.com/technology/2020/03/17/white-house-location-data-coronavirus/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Stuart A. Thompson and Charlie Warzel, *Twelve Million Phones, One Dataset, Zero Privacy*, N.Y. Times (Dec. 19, 2019), <https://www.nytimes.com/interactive/2019/12/19/opinion/location-tracking-cell-phone.html>.

We should also be guided by the experience of other countries that have employed technology to combat COVID-19 — experience that shows the potential harms to Americans’ privacy and civil liberties from the use of location data without careful limitations. In Singapore, the government publishes coronavirus “patients’ ages and nationalities, length of hospitalization, where they live, [and] their connections to one another.”<sup>5</sup> The South Korean government issues health alert texts that detail patients’ gender, age, and locations visited before hospitalization.<sup>6</sup> Reporting also indicates that these patients are being stigmatized as data about their movement is revealed.<sup>7</sup> Unless carefully circumscribed, location data can reveal deeply sensitive information about people’s private lives. The Administration must take extreme care not to implement location data-use policies that run the risk of violating Americans’ privacy.

In light of the serious privacy concerns that can arise from the use of location data, I request answers to the following questions by March 26, 2020:

1. Please identify any companies with which the Administration is collaborating to use location data for fighting COVID-19 and describe the nature of these collaborations in detail.
2. Please describe the location data to be used in any projects that the Administration is considering, including the granularity of data, how it was initially collected, how it is being anonymized and aggregated, and how the Administration is ensuring that it cannot later be de-anonymized.
3. Please detail the evidence-based rationale for these collaborations and the specific objectives they aim to achieve.
4. How will any data be collected and stored, and what data security safeguards will be in place to protect this data from malicious attacks or inappropriate access?
5. Who will have access to location data collected for fighting COVID-19? Will you restrict use of this data solely to purposes of fighting COVID-19? If not, why not?
6. Will you ensure that the government stops collecting location data and disposes of any collected data once the COVID-19 health crisis has been resolved? If so, please describe your plans for this data disposal in detail. If not, why not?

Thank you in advance for your attention to these requests. If you have any questions, please contact Joseph Wender of my staff at 202-228-2404.

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<sup>5</sup> Shashank Bengali and David Pierson, *How Singapore has kept the coronavirus under control*, L.A. Times (Mar. 11, 2020), <https://www.latimes.com/world-nation/story/2020-03-11/a-singaporeans-view-of-the-coronavirus-its-surprising-to-see-the-u-s-so-messed-up>.

<sup>6</sup> Nemo Kim, *‘More scary than coronavirus’: South Korea’s health alerts expose private lives*, Guardian (Mar. 5, 2020), <https://www.theguardian.com/world/2020/mar/06/more-scary-than-coronavirus-south-koreas-health-alerts-expose-private-lives>.

<sup>7</sup> *Id.*

Mr. Michael Kratsios  
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Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive style with a large, prominent "E" at the beginning and a long, sweeping tail at the end.

Edward J. Markey  
United States Senator