

Security versus Privacy in the Age of COVID-19

Yvo Desmedt

Yvo.Desmedt@UTDallas.edu

Dept. of Computer Science
University of Texas at Dallas
USA

Dept. of Computer Science
University College London
UK

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Outline

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1. Reflecting on the title of the conference

Seeing the title of this conference, in 1980, it must have been natural to consider, security as being more important than privacy, although, alphabetically, privacy precedes security.

I contacted George Davida and he replied:

I considered security to be important.

2. Privacy policy after the HIV-AIDS epidemic

In the USA, HIPAA (Health Insurance Portability and Accountability Act) was created in 1996. It was the age of HIV-AIDS, a disease spread through sexual contact or blood. People suffering from it were discriminated against.

After HIPAA, in the USA, we have that (American Medical Association):

HIV/AIDS information . . . is protected health information, in accordance with its extremely confidential nature as required by city, state, and federal laws and regulations, including the Health Insurance Portability and Accountability Act

In the USA, from January 4, 2010, on HIV is no longer an “communicable disease of public health significance” (CDC).

In this context, privacy protects the individual against unjustified bias, without undermining national security.

3. COVID-19: a massive suspension of rights

Rights of **hundreds of millions of people** have been suspended.

Steve Baker [MP, UK] said people have been 'living under house arrest for weeks by ministerial decree' [4]. About the lockdown, he also stated: regulations . . . curtailing our freedoms in ways unimaginable [1].

Rights that have for all practical purposes have been affected include:

- Freedom of Association
- Right of Liberty
- Right of Religion, including practice and observance
- Free Movement¹

¹Some countries did not sign this Protocol.

4. Deprioritizing privacy instead

Some examples: South-Korea [6]:

- Patient No. 31 infected several worshipers of the Shincheonji Church of Jesus during services.
- Lee Man-hee, the founder of the Church, refused to reveal who were members of his congregation.
- “some 4,000 cases of injustice were reported against Shincheonji congregants:” members fired by their employers, others abused by spouses.
- later it was revealed “Shincheonji has been cooperating and providing the data requested”
- On May 6, 2020 South-Korea had 10,806 confirmed cases and 255 deaths [2] (population: 51.64 million).

Some examples: Singapore:

- January 3:, Singapore starts temperature screening at airport of travelers arriving from Wuhan [7].
- January 31: entry restrictions related to China: 700 travelers quarantined, residents of Singapore returning from China take a 14-day compulsory leave of absence from work [7].
- February 2020: Ministry of Health **informs public of links between new and old cases** at, e.g.: [5]
 - the Life Church and Missions Singapore (146B Paya Lebar Road).
 - Yong Thai Hang (24 Cavan Road).
 - the private business meeting held at Grand Hyatt Singapore from 20 to 22 January.
- This worked for several months, now Singapore is under lockdown.

Need for a debate:

Should, Western countries review their privacy policies when dealing with **very contagious diseases**, such as COVID-19, e.g.,

- **revealing who traveled to regions with high infections** to, e.g.:
 - employers?
 - family?
 - police?
- Should **locations where infections occurred** be revealed, as was done in South-Korea and Singapore?
- Should the privacy of medical staff be **increased**? (Both in Australia and the UK tenants who were known to be medical staff were evicted by landlords.) Or should such medical staff have to stay in special facilities, such as dedicated hotels?
- Should other privacy policies be reviewed?

5. What role did privacy play in this pandemic?

Continuing with critical questions, we wonder whether **the Western privacy policies** contributed to the high number of deaths in several **Western countries?** In particular:

- whether nursing homes should have informed family of not-yet infected occupants, their family member was at risk of some neighbor having COVID-19?
- whether doctors should have informed employers a person was diagnosed? Indeed, US meat processing plants have been identified as epicenters of COVID-19.

6. Is it ethical to bug computers of hospitals?

On April 22, 2020 the U.S. cybersecurity firm FireEye claimed that:

Hackers working in support of the Vietnamese government have attempted to break into Chinese state organisations at the centre of Beijing's effort to contain the coronavirus outbreak

Although this was denied by Vietnam (April 23, 2020), it raises some interesting question.

Observation: medical research is only published after peer review, which delays potential experimental treatments.

Related questions:

- should NSA have bugged computers in Chinese hospitals using hacking?
- should we **carefully** review our ethical definitions in this context?

7. Has COVID-19 exposed security weaknesses?

Several security weaknesses in the West have been exposed, such as:

- the **Schengen Area**: perfect for travelers, but not for national security (in contrast: on January 21 and 24, Hong Kong imposed strict restrictions on travelers from respectively Wuhan and Mainland China).
- the **US Homeland Security**:
 - it seems unlikely Homeland Security ever had war games (or a playbook) for different types of pandemics.
 - was unable to co-ordinate its and other US agencies, as obvious to anyone who traveled to South-East Asia in the last months.
- being **at least 3 months behind** on measures already taken earlier in

South-East Asian countries and regions. Both Europe and the USA lacked: proactive thinking, a frequent revision of action plans (e.g., to take new flight routes into account).

- both Nancy Pelosi (Speaker of the US House) and Mike Pompeo (United States Secretary of State) failed to push Europe to take COVID-19 serious, during their mid-February 2020 tour of Europe.

Question: did Western countries, at the end of the Cold War, reduce too much their **internal security apparatus**, except in the case of mass-surveillance, which failed to stop the pandemic anyway.

8. Has research on critical infrastructures been ignored?

In October 1997, the US President's Commission on **Critical Infrastructure Protection** published its report.

On March 5, 1998, the author (in a private e-mail) points out that several infrastructures were missing. In his October 1999 lecture [3] he pointed out that e.g., the **agricultural sector** and the **pharmaceutical industry** were not listed as critical.

Moreover, the author worked between April 14, 1997 – May 23, 1999 (funded by DARPA) on how to **Securely Outsource**, i.e., organize critical infrastructures, so they would be less vulnerable to state dependent vulnerabilities, as **nation wide shut down of factories**.

Seeing, the shortage of PPE (Personal Protective Equipment), ventilators, etc., this research and other research on critical infrastructures protection, seem to have been ignored.

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