



In recent weeks, as our economy has reopened and public health experts have reiterated how to slow the spread of Covid-19 – practice social distancing, wear a mask in public, avoid group gatherings, regularly wash your hands – we've heard about "contact tracing," a decades-old strategy that, ***when properly implemented***, enables the strategic focus of scarce resources on actual vectors of infection, rather than on whole populations.

I emphasize "when properly implemented" because, as I've learned in my meetings with DHEC officials, the possibility for unintended consequences here abound. Contact tracers speak with those who have tested positive for the virus and identify those to whom they may have transmitted disease. In other words, contact tracing by definition relies on sensitive personal data like location and health status, and therefore raises serious privacy concerns.

Accordingly, I have drafted legislation for consideration by the Legislature when it reconvenes on June 23 to ensure that best-practice protocols are followed by DHEC and that the privacy of those who choose to participate is guaranteed. Failure to legally establish these protocols will result in many South Carolinians refusing to participate and our state not deriving the health benefits that it offers. Here are the primary components of my proposed legislation:

Participation in the Covid-19 contract tracing program must be voluntary and its operations fully transparent. In addition, all those who decide to participate must be able to see exactly what information is being collected on them and who it is being shared with, and this data must not be shared by DHEC with any other person or organization.

All contact-tracing technologies must be restricted to public health uses only and carried out in a decentralized way; any centralized database of person-to-person interactions or geo-location data is susceptible to abuse or data breach. Moreover, there must be fines, sanctions or other repercussions for any organization or individual that violates these privacy requirements.

Contact tracers must be properly trained and certified; the gold standard is a class developed by the Johns Hopkins Bloomberg School of Public Health that digs into not only the biology of Covid-19 and how to respectfully and effectively counsel those who have been infected, but also ethical considerations such as respect for privacy.

Finally, there must be an ongoing public process to discuss, analyze and thoroughly vet the newly developed digital contact tracing technology designed to help slow the spread of Covid-19, including technology that Apple and Google are building into their smartphone software. We cannot allow bureaucratic drift toward the widespread use technology in South Carolina, even on a voluntary basis, without first having an extensive and open discussion of the merits and demerits, with civil libertarians like me at the table asking the hard questions.

South Carolinians infected with Covid-19 can benefit from properly defined and constrained contact tracing; it is a time-proven way for them to learn how to protect themselves and their friends and family, and how to access available support systems. The program is about empowering people with information, and dispelling fears.

But the burden is on state lawmakers, and properly so, to prove we are employing contact tracers who will in fact thus empower people, and not a horde of poorly trained and overreaching bureaucrats. If we can make that case, by enacting commonsense legal safeguards, we can deal this virus a significant blow.

Tom Davis is the State Senator for District 46, which includes portions of Beaufort and Jasper counties.