Trust Fall: COVID-19, Ethical Experimentation, & the Governance of Pandemic Tech

Sean McDonald

What has COVID taught us about deploying public technology?

Digital Public

Briefing

Mar 26th 2020 edition ›

Creating the coronopticon

Countries are using apps and data networks to keep tabs on the pandemic

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WORLD | ASIA

Singapore Built a Coronavirus App, but It Hasn't Worked So Far

The city-state's experience in digital contact-tracing holds lessons for other countries, including an Apple-Google effort in the U.S.

slack
Choose a better way to work.

Nearly 40% of Icelanders are using a covid app—and it hasn't helped much

The country has the highest penetration of any automated contact tracing app in the world, but one senior figure says it "wasn't a game changer."

by **Bobbie Johnson** May 11, 2020

When Iceland got its first case of covid-19 on February 28, an entire apparatus sprang into action.

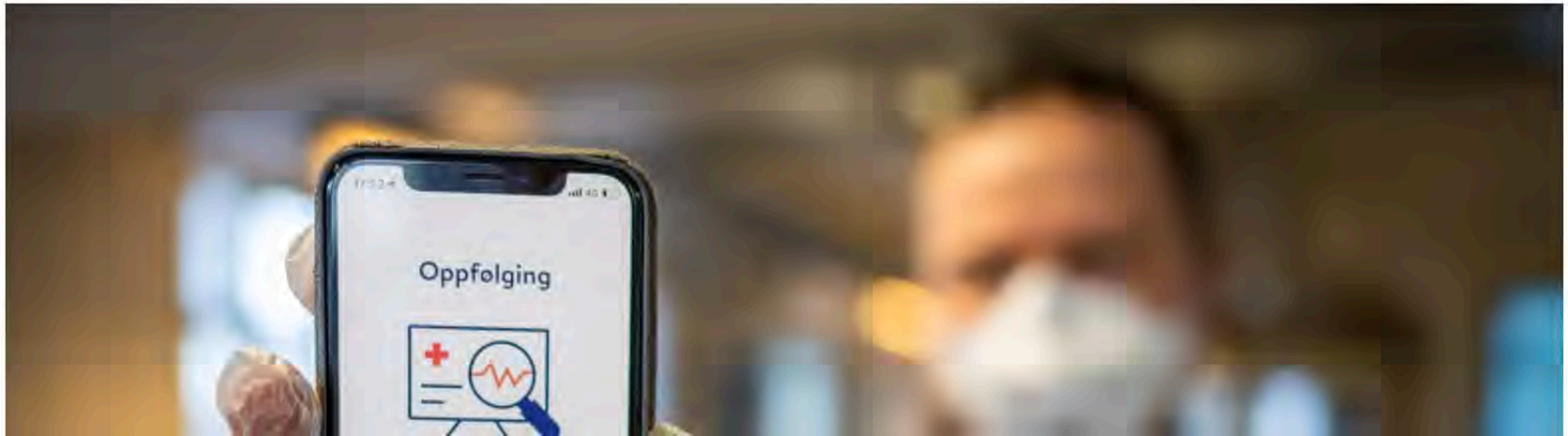
The country had already been testing some people at high risk of catching the virus, thanks to DeCode genetics, a local biotech company. Once the

VOICE

Countries Rolling Out Coronavirus Tracking Apps Show Why They Can't Work

If you think tracking apps will keep people safe as economies reopen, look to South Korea, Singapore, and Australia to see why you're mistaken.

BY SALVATORE BABONES | MAY 12, 2020, 5:31 AM



Deployment matters

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OLD PHONES —

2 billion phones cannot use Google and Apple contact-tracing tech

System developed by Silicon Valley relies on technology missing from older handsets.

TIM BRADSHAW, FT.COM - 4/20/2020, 12:29 PM

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Context matters

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Los Angeles Times

POLITICS

Lawmakers warn coronavirus contact-tracing is ripe for abusive surveillance

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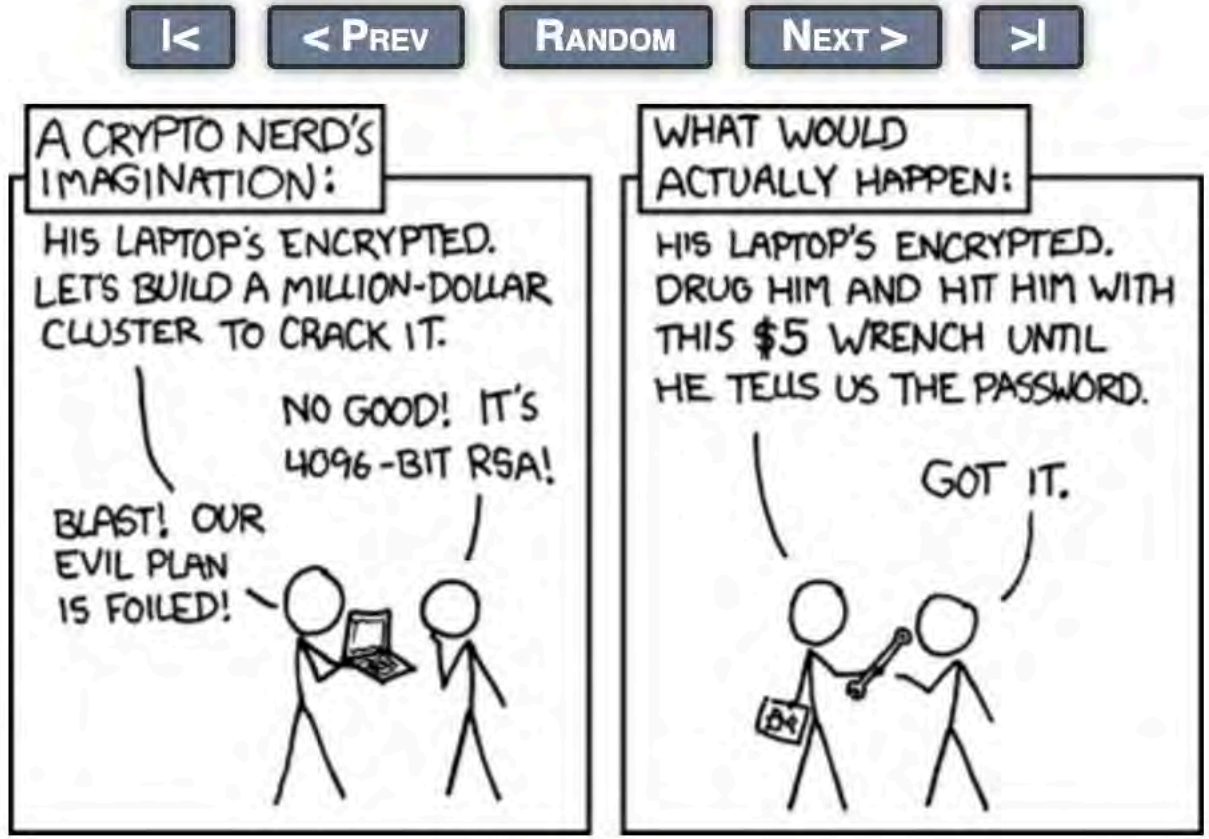
Security



Permanent link to this comic: https://xkcd.com/538/
Image URL (for hotlinking/embedding): https://imgs.xkcd.com/comics/security.png

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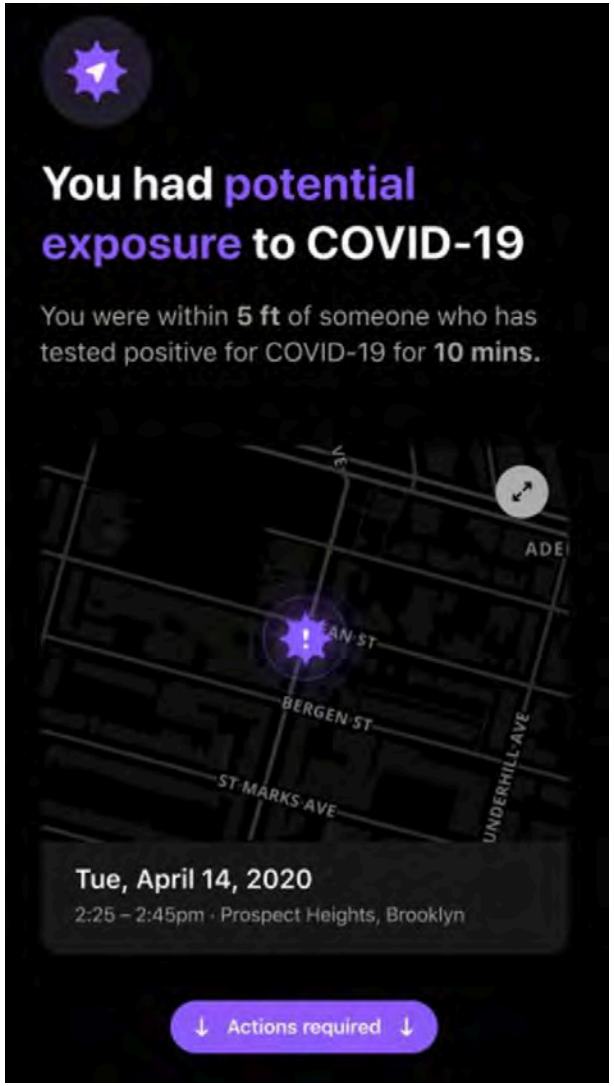
L.A. COUNTY AND CITY LEADERS JOIN FORCES WITH CITIZEN TO LAUNCH SAFEPASS PARTNERSHIP

SafePass will support the Department of Public Health's contact tracing program

LOS ANGELES — Los Angeles County Supervisor Kathryn Barger, County Department of Public Health Director Dr. Barbara Ferrer, Los Angeles Mayor Eric Garcetti, Long Beach Mayor Robert Garcia, Pasadena Mayor Terry Tornek, and Citizen CEO Andrew Frame appeared at a press conference at L.A. City Hall today to announce a partnership with SafePass, a mobile app that provides contact tracing capabilities for individuals throughout Los Angeles County.

SafePass will allow users to self-report their symptoms for COVID-19 and receive notifications and alerts directly from the Los Angeles County Department of Public Health. All contact tracing data is anonymous, private, encrypted, and deleted after 30 days by Citizen. Officials encouraged residents to download the app to expand local efforts to track COVID-19 for L.A. County's 10 million residents.



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Alissa Walker
@awalkerinLA

Citizen started as a "crime tracker" named Vigilante but it was immediately removed from the app store for "concerns centered around user safety"—namely, that it would encourage, yes, vigilantism.

Controversial crime reporting app Vigilante banned from App Store
A controversial crime-reporting app called Vigilante has been kicked out of the App Store for an app that encouraged, well – vigilantism – and led to the ...
techcrunch.com

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CORONAVIRUS

A Company Running An Online Coronavirus Symptom Tracker In Oregon Says It Can Sell Your Data To Advertisers

The privacy policy for Vital's coronavirus symptom tracker for Multnomah, Clackamas, and Washington counties reserves the right to sell residents' personal data.

Caroline Haskins
BuzzFeed News Reporter

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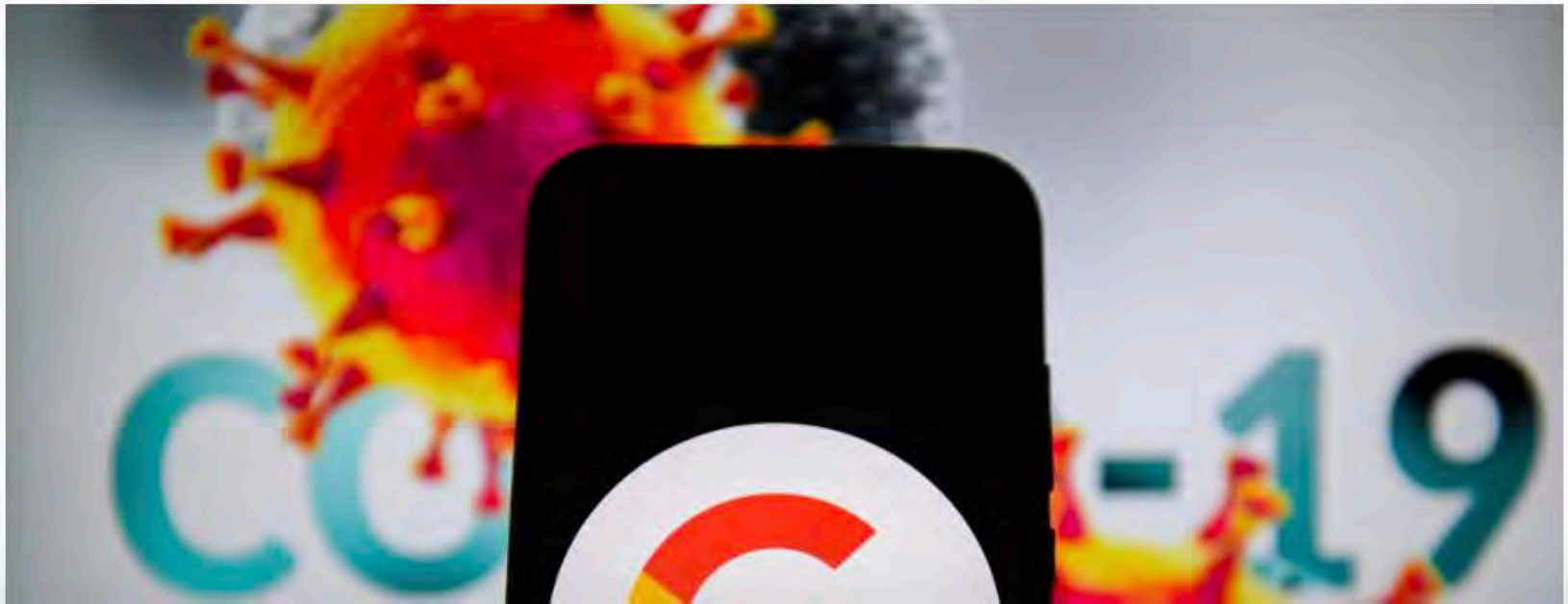
EDITORS' PICK | 10,828 views | Apr 15, 2020, 11:50pm EDT

Is The Syrian Government Targeting Its People With COVID-19 Android Malware?

Thomas Brewster Forbes Staff

Cybersecurity

Associate editor at Forbes, covering cybercrime, privacy, security and surveillance.



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Digital Politics Are Asymmetrical.

Legitimate Data Governance Requires Earning Trust.

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Israeli Doctors Warn Shin Bet Surveillance Actually Hindering Efforts to Combat Coronavirus

Physicians' association claims the security service's use of technology to identify people who have come in contact with carriers of the coronavirus is not providing the right information

Refaella Goichman | Send me email alerts

Mar 26, 2020 8:04 PM

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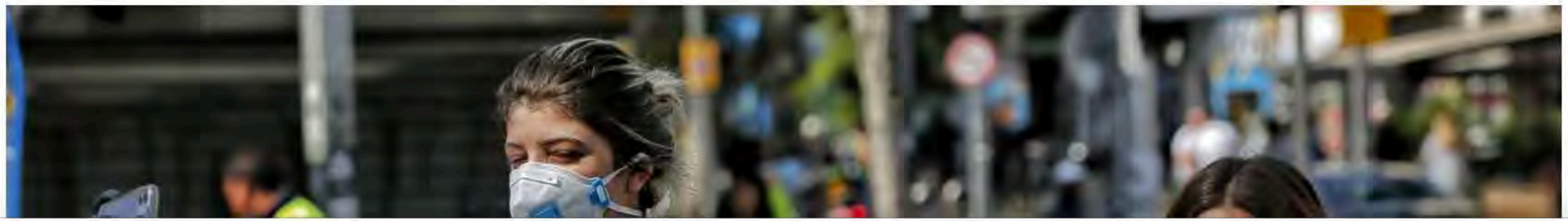

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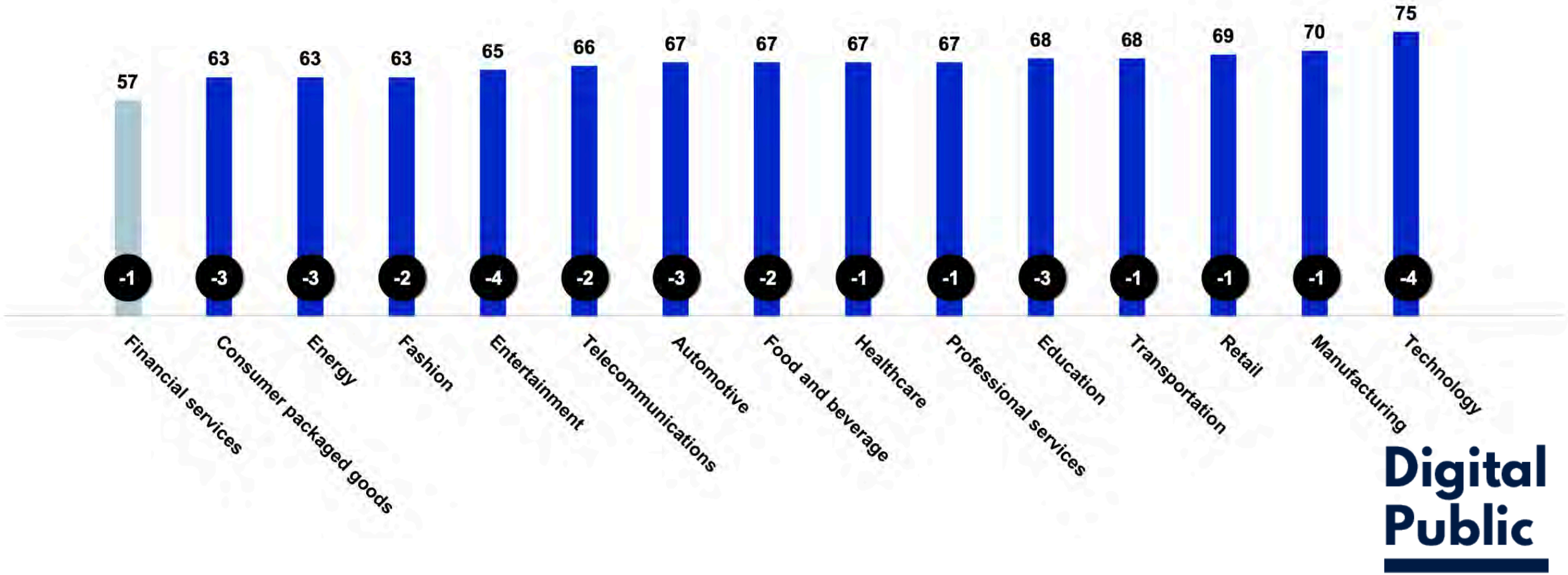
TRUST DECLINES ACROSS SECTORS, LED BY TECHNOLOGY AND ENTERTAINMENT

Percent trust in each sector



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Gov. DeSantis extends COVID emergency as caseload expands; sees youth defiance of contact tracing

By Michael Moline - July 7, 2020

Gov. Ron DeSantis traveled to Miami on July 7, 2020, to open the state's 12th COVID-specific nursing facility. Photo: Jonathan Warren/EyeEm

Florida Atty. Gen. Ashley Moody Warns Of Contact Tracing Scams

June 22, 2020 at 5:45 pm **Filed Under:** Ashley Moody, Coronavirus, Local TV, Miami News

MIAMI-DADE

Confusion Over Contact Tracing Reigns Over News Conference

At one point this summer, Miami-Dade County wanted to hire 1,000 contact tracers

Why state lawmaker says his state's contact tracing is a 'joke'

New Day

After testing positive for Covid-19, Florida Democratic state Rep. Shevrin Jones shares his experience with contact tracers in Florida as cases continue to surge. Source: CNN

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PEER REVIEWED

The Relation between Media Consumption and Misinformation at the Outset of the SARS-CoV-2 Pandemic in the US

A US national probability-based survey during the early days of the SARS-CoV-2 spread in the US showed that, above and beyond respondents' political party, mainstream broadcast media use (e.g., NBC News) correlated with accurate information about the disease's lethality, and mainstream print media use (e.g., the New York Times) correlated with

Testing for Function doesn’t Factor in Trust, Context, or Power.

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TECH STREAM

Tomorrow's tech policy conversations today

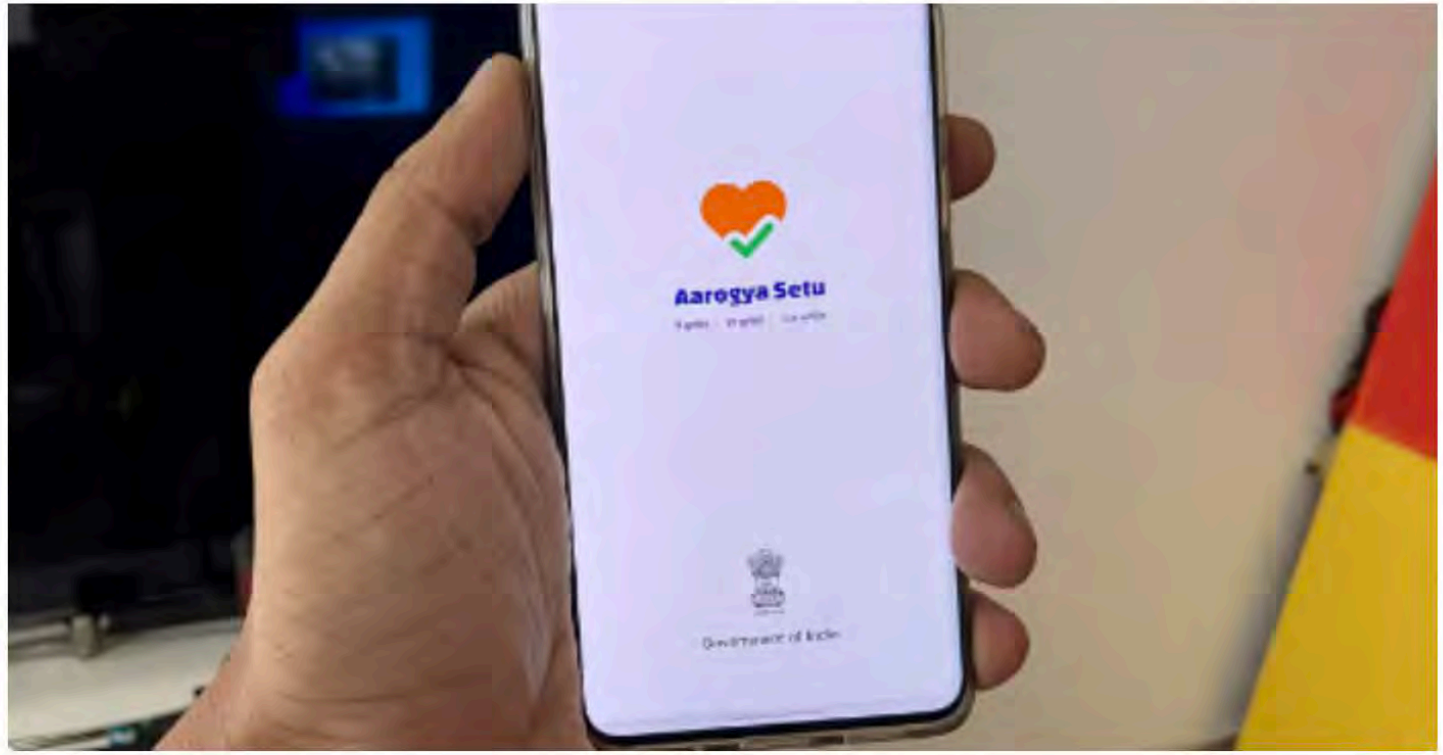
Contact-tracing apps are political

May 14, 2020 | Sean McDonald

Digital Public

07 Jul 2020 | 06:34am IST

Arogya Setu App, face mask mandatory in Court premises



Team Herald

PANJIM: Every individual entering the court premises will have to install Arogya Setu App and wear a face mask as all courts and quasi-judicial authorities have resumed regular functioning from this month.

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So how do people understand and protect their rights?

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Terms of Service Didn't Read

Waiving your right What kind of rights do you give up on?

(Category: Governance)

50 Waiver of legal actions

50 You waive your right to a class action

150 500px Store: Authorship

50 Lawsuit and class action waiver. Arbitration for dispute resolution in the United States

50 Lawsuit and class action waiver. Arbitration agreement. Survives termination of ToU agreement.

50 Trial and class action waiver

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WORRY TECHNOLOGY IS OUT OF CONTROL

Percent who agree

The pace of change in technology is **too fast**

61%

I worry technology will make it impossible to know if **what people are seeing or hearing is real**

66%

Government **does not understand emerging technologies** enough to regulate them effectively

61%

Trust in technology 2019-2020	
Global 26	-4
Largest declines in:	
France	-10
Canada, Italy, Russia, Singapore	-8
U.S.	-7
Australia	-6

2020 Edelman Trust Barometer. CNG_POC. For the statements below, please think about the pace of development and change in society today and select the response that most accurately represents your opinion. 9-point scale; top 4 box, fast. 28-mkt avg. ATT_MED_AGR. Below is a list of statements. For each one, please rate how much you agree or disagree with that statement. 9-point scale; top 4 box, agree. 28-mkt avg. PER_GOV. How well do you feel the government is currently doing each of the following? 5-point scale; bottom 3 box, not doing well (data excludes DK responses). 25-mkt avg. (data not collected in China, Russia, and Thailand). TRU_IND. Please indicate how much you trust businesses in each of the following industries to do what is right. 9-point scale; top 4 box, trust. 26-mkt avg. All questions asked of half of the sample among the general population.

Our digital transformation and governance systems lack legitimacy

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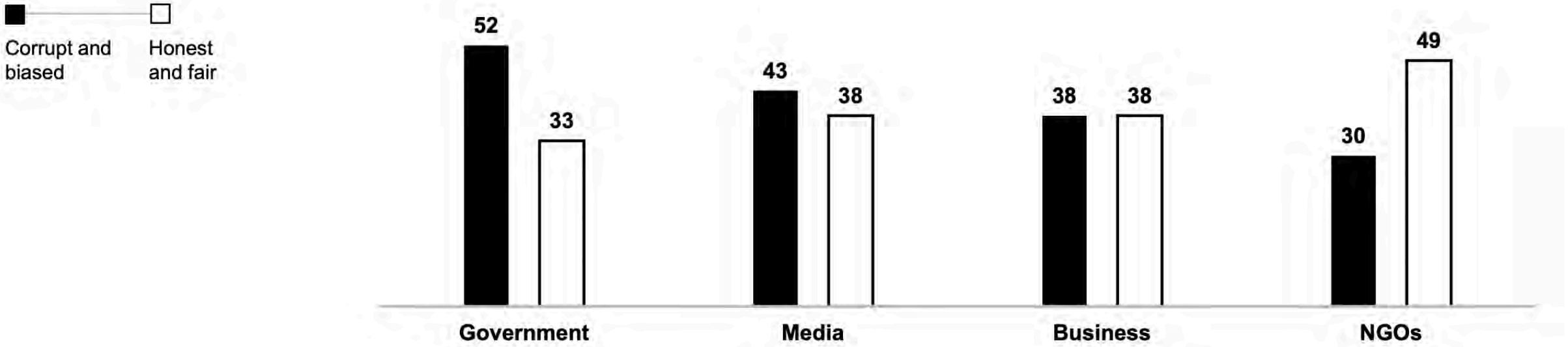
INSTITUTIONS SEEN AS LACKING HONESTY

Percent who cite each as a reason they trust or distrust each institution

This institution…

- Is purpose-driven
- **Is honest**
- Has vision
- Is fair



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Epic ail

The Economist

innovation vs. politics experimentation

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The Belmont Report

Ethical Principles and Guidelines for the Protection of Human Subjects of Research

The National Commission
for the Protection of Human Subjects
of Biomedical and Behavioral
Research

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Trump-backed drug to be tested on thousands in Mumbai slums

The move underscores the desperation and mounting pressure on health care officials for solutions against a novel pathogen which has infected over 2.1 million people globally and killed over 146,000. I

Bloomberg | Last Updated: Apr 18, 2020, 10.36 AM IST

13 Comments

Save

A+

Mumbai, which has seen more than a tenth of India's over 13,800 cases and a quarter of its deaths, has emerged as the biggest virus hotspot in India.

By Dhwani Pandya and Ari Altstedter

India's financial capital Mumbai is fine-tuning a plan to administer an unproven but much touted anti-malarial drug in neighborhoods including Asia's most crowded slum, the first-of-its-kind mass experiment to ward off the coronavirus.

The city officials are identifying a target group which will receive hydroxychloroquine, according to Suresh Kakani, additional

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POST-NORMAL PANDEMICS: WHY COVID-19 REQUIRES A NEW APPROACH TO SCIENCE

Two (or more) heads are better than one. Original image: 1961, Designer Janusz Stanny, Brain Puzzles (cc by 2.0) https://flic.kr/p/9AvLZY

Research

- Informed consent
- Scientifically proven necessity
- Proportionality - methods escalate through stages of validation to human trials based on severity of impact
- "Due Process"

Practice

- Legal duty to individual
- Serves the best interests of the individual subject
- Professional systems of accountability
- Reasonable expectation of success

ethics infrastructure

- Professional Licensing & Certification
- Dedicated Experimentation Spaces
- Regulated Market Access
- Fiduciary Duties to Patients
- Standards of Malpractice
- Independent Adjudication

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What is a data trust?

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A data trust is a tool to build legally enforceable digital governance and rights.

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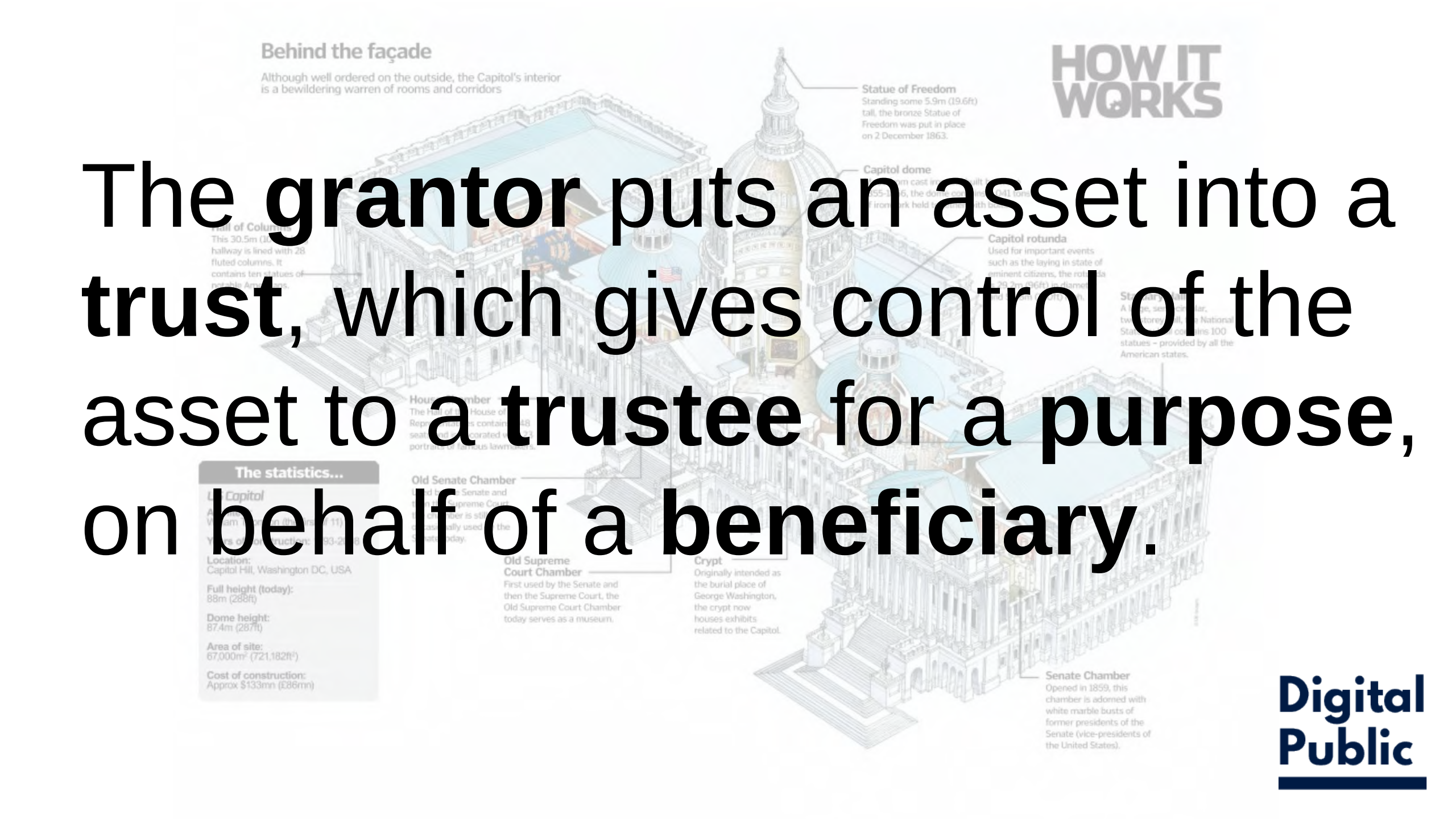

The **grantor** puts an asset into a **trust**, which gives control of the asset to a **trustee** for a **purpose**, on behalf of a **beneficiary**.

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DATA MANAGEMENT

Lessons From a User-Trusted Data Trust

October 2, 2019 | Read Time: 6 Minutes

Research

- Johns Hopkins Medicine is one of the first medical systems in the United States to try to gain value from patients' records.
- Valerie Smothers is the data trust administrator working to protect patient privacy while using records to improve care and facilitate research at the same time.
- The most important conversation is not about the data itself, says Smothers, but about data governance and the policies needed to define the trust's structure and inner workings.

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opencorporates BLOG

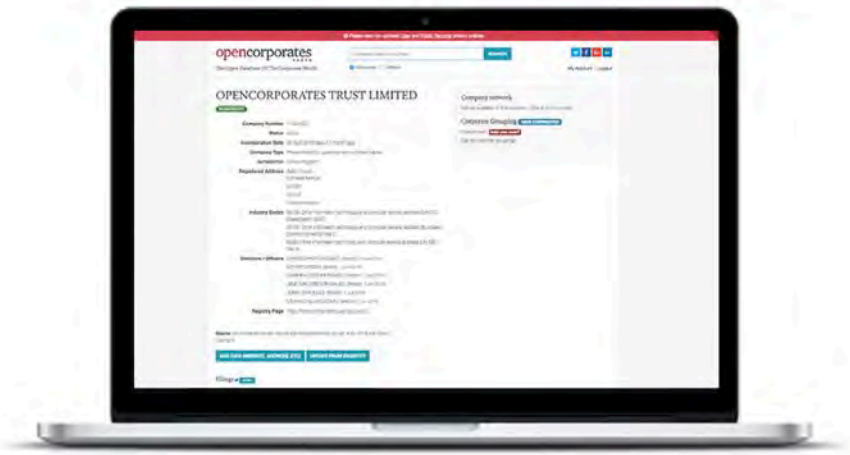
The largest open database of companies in the world

June 11, 2018

Announcing the OpenCorporates Trust

Posted by: molliehanley

Community Corporate Structure Impact Phase Two



Sustainability

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Applause from you, Nanjira, and 103 others

Yeshi Follow
Executive Director at Data for Black Lives @data4blacklives
Apr 4 · 10 min read

An Open Letter to Facebook from the Data for Black Lives Movement

Give Black researchers, data scientists and Black communities access to our data.

We urge you to work with Data for Black Lives and make a commitment to the following:

Representation

1. Commit anonymized Facebook data to a Public Data Trust.

2. Work with technologists, advocates, and ethicists to establish a Data Code of Ethics.

3. Hire Black data scientists and research scientists.

1.1K 2

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AMERICAN BAR ASSOCIATION
Business Law Section

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Corporations, LLCs & Partnerships

Independence With a Purpose: Facebook's Creative Use of Delaware's Purpose Trust Statute to Establish Independent Oversight

20 Min Read By: Vincent C. Thomas, Justin P. Duda, Travis G. Maurer | December 17, 2019

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Why Trusts

- Asset + Rights (vs. Organizational) Governance
- Aligned with Market Infrastructure
- Create Legally Enforceable Fiduciary Duties
- Oversight for Pluralization of Governance
- Global in Reach

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The Challenges Ahead

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Centre for International Governance Innovation

DEMOCRACY, DIPLOMACY, SURVEILLANCE & PRIVACY

Coronavirus: A Digital Governance Emergency of International Concern

Strident digital, surveillance and diplomatic policies are being written in the heat of a disaster — not through deliberation or agreement, but through escalating protectionist declarations

Sean McDonald

March 2, 2020

US Vice President Mike Pence speaks during a coronavirus briefing with diagnostic lab CEOs at the White House on March 4, 2020. (REUTERS/Carlos Barria)

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Conclusions + Recommendations

- Public technologies in implementation is political
- Government need clear infrastructures for public testing
- Legal and contractual guard rails should be pre-deployment requirements – including pathways to dispute + wind-down
- Quality assurance goes beyond functionality and should include anticipating application in commercial, criminal, and law enforcement contexts
- Define harms based on impact, not procedure
- Invest in research oversight and public communication

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Thank You

sean@digitalpublic.io

Icons from the Noun Project: Agreement (Setyo Ari Wibowo), Diamond (Edward Boatman), Volcano (Creative Mania), Sailboat (Chrystina Angeline), Agreement (Setyo Ari Wibowo), Diamond (Edward Boatman), Safe (Aleksandr Vector), Erlenmeyer Flask (Lisole), Hand (Maico Amorim), Gnome (Nook Fulloption), Pedestal (Blake Stevenson), Content Provider (throwaway icons), Ship Wheel (my name is mud), Captain (Rémy Médard), Neighborhood (Andrew Doane), Connected Joystick (cathy moser), Lawyer (Stefania Servidio), Earth (Setyo Ari Wibowo), Tombstone (Made), Upload (Kimmi Studio), Safe (Aleksandr Vector), Form (Setyo Ari Wibowo), Decision Making (Delwar Hossain), Scientist (Andrew Doane), Ethnicity (MRFA), Privacy (Gregor Cresnar), Ethnicity (MRFA), Database (Milinda Courey), Government (Victor), Government (romzicon), Government (bezier master), Data (Jivan), Chart (Remco Homberg), Fisherman (Luis Prado), Fish (Kangrif), Contract (Giuditta Valentina Gentile), Code (Danil Polshin), Puzzle (HeadsOfBirds)

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