

# **Privacy in the Time of Pandemic**

- A Global Perspective

**Vakul Sharma**

© Vakul Corporate Advisory. All rights reserved. 2020

# Definition of Pandemic

A pandemic is defined as “an epidemic occurring worldwide, or over a very wide area, crossing international boundaries and usually affecting a large number of people”.\*

\*Last JM, editor. *A dictionary of epidemiology*, 4th edition. New York: Oxford University Press; 2001.

# Definition of Privacy

Right to privacy is more of an implied obligation. It is the right to be let alone.\*

\* Warren and Brandeis, *The Right to Privacy*, (1890), Harvard Law Review, IV(5)

# Privacy and Pandemic

Whether privacy as a right available in the time of pandemic?

Whether personal privacy to be sacrificed for the welfare of the community-at-large?

Whether the Universal Health App would lead to global privacy?

# Stakeholders During the Pandemic

- State (including Municipal Corporations/District Administration)
- Hospitals/clinical establishments/health services/sanitation services
- Doctors/nursing staff/attendants
- Patients (& family members)
- Pharma companies
- Crematoriums
- Quarantine help service providers/hospitality services
- Airlines/Railroads/shipping /bus & tram services
- Print/broadcasting/digital media
- Insurers/Medical claim service providers
- Employers



# Privacy Equation.

# Privacy Equation

## Fixed Factors

- State (including Municipal Corporations/District Administration)
- Hospitals/clinical establishments/health services/sanitation services
- Doctors/nursing staff/attendants
- Quarantine help service providers/hospitality services
- Airlines/Railroads/shipping/bus & tram services
- Print/broadcasting/digital media
- Crematoriums
- Insurers/Medical claim service providers
- Employers

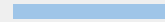
## Variable Factors

- Patient (& family members)
- Asymptomatic persons

**Fixed Factors**



**Variable Factors**





- Irrespective of national laws, constitutional rights, treaties, covenants in terms of privacy – a pandemic involving a large number of stakeholders, who are having an absolute control over the nation's economy, **one cannot seek personal privacy in absolute terms.**

- Personal privacy in the time of pandemic become *relative*, i.e., one's privacy to be seen in terms of others 'asymptomatic' persons.
- Personal medical details including 'contact' details to be verified and authenticated in terms of welfare of the 'community-at-large'.

- Personal privacy is to give space to the welfare of community –at-large, i.e., personal privacy is no longer a right available to a person.
- Personal privacy is to be sacrificed for the good of the community (national/regional/global) level.

- International travel – opening of borders there would be a constant need to verify and authenticate health/medical details of a traveler.
- There is an emerging need of “Health App” applicable in one jurisdiction to be made accessible in other jurisdictions as well, i.e., health record of traveler being carried over to another jurisdiction.
- Today, the world is looking forward to a universal (regional/global )Health App for better coordination among countries facing pandemic.

- Modalities of such **Health App** to be formulated. This may not be difficult as most of the such Apps are on a common technology platform and following similar protocols and regulations.

- This **Universal Health App** would be like a boarding ticket. It will allow a traveler travelling from one pandemic country to another. This would overcome the mandatory quarantine hurdle imposed to on the traveler.
- Privacy policy of Universal Health App would give rise to the Global Privacy Model.

# Global Privacy Model

- Personal privacy which the individual has sacrificed for the community-at-large would assume the shape of global privacy.
- It would be a floating privacy from one jurisdiction to another. However, a 'regional uniformity' would come into play wherever there is acceptance of universality.

## **Pandemic is a Teacher...**

- If country specific **Health App** for contact tracing is one such development, then **Universal Health App** would be the next step in the learning.
- The **Universal Health App** would work as a template for any future pandemic/epidemic/Act of God events!



# Thanks..

Email: [vakul@vakulcorp.com](mailto:vakul@vakulcorp.com)

Cell/Mobile: +91-9717031333