



Washington State Legislature

May 8, 2020

Governor Jay Inslee
P.O. Box 40002
Olympia, WA 98504-0002

Governor Inslee:

We know your office would like to have consultation with the Legislature on several aspects of the COVID-19 response, particularly public health and economic readiness. To that end, we write to ask for more information that would inform a public dialogue about how the privacy interests of Washingtonians are being protected in our state's crisis response. Whether and how privacy is being protected will be an important part of voluntary public compliance. In your COVID-19 news conferences, you have mentioned that your decision-making on continuing the extraordinary social distancing orders is informed by data, including data on the extent to which Washingtonians are complying voluntarily with orders. Recently, with the announcement of a multi-phased re-opening, you also announced a major effort to hire a large group of contact tracing officials. Several questions about the security and privacy of sensitive personal information of Washington residents are raised by these announcements.

By way of background, we are aware of news reports that technology vendors are making powerful data analytic tools and large data sets available to government and public health officials to inform policy responses to the COVID-19 crisis. According to [national press accounts](#), certain special data sets being made available to government may include maps of foot traffic to shopping centers, pharmacies, parks, and transit centers, and even the frequency of trips to and from homes. In the interest of transparency and protection of the privacy interests of Washingtonians, we ask that you make the Legislature aware of the following:

- 1) Are private technology firms providing data or data analytics that is, or has been, part of executive branch COVID-19 order decision-making? This question is inclusive of, but not limited to, data or data analytics about the movement of Washingtonians, and their awareness of, feelings about, and cooperativeness with social distancing orders. If so, please provide the following information:
 - a. Who are those vendors?
 - b. What data or analytics work is being received from private sector vendors? Can you provide a description of the analytical capabilities offered and the degree to which any particular data sets allowed for monitoring behavior at the level of specific neighborhoods, or other discrete geographic or demographic units?
 - c. Have any state funds been expended for either data or data analytics? If so, how much and from what accounts?
 - d. Is all of the information received from private firms, if any, subject to disclosure under public records laws, or is the executive branch claiming a privilege or exemption?

- e. Has any data held by the state been requested by, or provided to, private technology firms in furtherance of COVID-19 data compilation or analytics work and, if so, what was requested and what was provided?

We look forward to receiving information you can provide on this topic and a more complete understanding of any personal data privacy issues that may arise in the context of our state COVID-19 response. We would certainly welcome any proactive consultation with your policy team if these issues have not yet arisen, but are likely to in the days ahead.

Sincerely,



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10th Legislative District



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8th Legislative District



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CC: Bob Ferguson, Attorney General
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