

Digital Health Passports for COVID-19:

Data Privacy and Human Rights Law

Digital health passports, also referred to as 'immunity passports', are digital credentials that, combined with identity verification, allow individuals to prove their health status (such as the results of antigen and antibody tests, and eventually, digital vaccination records).

Digital health passports may contribute to the long-term management of the COVID-19 pandemic.



However, digital health passports pose essential questions for the protection of data privacy and human rights, given that they:

- use sensitive personal health information;
- create a new distinction between individuals based on their health status; and
- can be used to determine the degree of freedoms and rights one may enjoy.

Policymakers must strike an adequate balance between protecting the rights and freedoms of all individuals and safeguarding public interests while managing the effects of the pandemic.

RECOMMENDATIONS:

Policymakers should require digital health passport providers to adopt appropriate technical and organisational measures and undertake data protection impact assessments to address potential data privacy-invasive situations proactively.

In doing so, they should take into account not only the potential risks for data privacy but also the situations in which the deployment of digital health passports is likely to result in a high risk to individuals' rights and freedoms.



Policymakers should ensure the availability and affordability of COVID-19 tests and vaccines (once developed) to the whole population before any large-scale deployment of digital health passports.

Any failure to address the issues of availability and affordability of COVID-19 tests and vaccines risks dramatically excluding already vulnerable populations from protection and may disproportionately restrict the exercise of their legal rights.

This infographic was produced by Dr Ana Beduschi, Associate Professor of Law at the University of Exeter Law School. It presents independent research funded by the Economic and Social Research Council (ESRC) as part of UK Research & Innovation's rapid response to COVID-19 (project title COVID-19: Human Rights Implications of Digital Certificates for Health Status Verification; project number ES/V004980/1).

The views and opinions expressed are those of the author and do not necessarily reflect those of the ESRC, the UKRI or the University of Exeter.