

Guest Lecture

Faculty of Law

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Containing COVID-19:

A Right to Privacy versus a Human Right to Public Health

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*Abstract:* In the context of the coronavirus pandemic, should data collection trump individual privacy rights or vice versa? I attempt to square the circle by arguing both for mandatory contact-tracing and for an improved legal basis for protecting privacy as much as possible under such a mandate. My goal is to motivate popular participation in mandatory contact tracing even as that participation temporarily infringes individual privacy rights. If a liberal democratic political community offered strong legal protection for persons who sacrificed some privacy rights for the sake of a more effective collective effort to contain the virus, and if citizens had good reason to trust both the state and the private sector with their private health information, then, from a consequentialist standpoint, a data-first strategy recommends itself over a privacy-first approach. I further argue that legally mandated contact-tracing is compatible with human rights, whereby an individual human right to privacy conflicts with a collective human right to health, a conflict resolvable, again, by consequentialist means.