



Legislative Affairs  
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## 2021 – 2022 Legislative Memorandum

**Subject: Relates to communicable disease contact tracing  
A.7241 (Gottfried) / S.6491 (Rivera)**

**Position: SUPPORT**

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During the last legislative session, New York enacted critical legislation protecting the confidentiality of COVID-19-related contact tracing information. The law ensures that contact tracing achieves its public health goals and is not weaponized against communities of color.<sup>1</sup> There is no principled reason why these sensible protections should apply only to COVID-19 contact tracing and not to contact tracing for all communicable diseases.

A.7241/S.6491 would fix this disparity in the law and apply the protections in last year’s COVID-19 contact tracing confidentiality law to contact tracing for all communicable diseases, obviating the need to legislate new protections each time there is a new public health crisis. The NYCLU supports this bill and urges its expedient passage.

Effective contact tracing requires participants to share a wealth of intimate detail with contact tracers: information about their location, health status, and who they spend their time with. If individuals have any reason to believe that sharing these details of their lives will expose them or their loved ones to criminalization or deportation, they simply will not participate. Ultimately, contact tracing can only serve its purpose if those diagnosed with communicable diseases are willing to share their contacts, and in turn, if their contacts are willing to act on the information that contact tracers provide. Both sides of this transaction require community trust.

A.7241/S.6491 lays the foundation for this trust. It ensures that contact tracing information will be kept confidential and will only be used for contact tracing purposes. Importantly, the bill permits the use of aggregate, de-identified information to track the spread of infectious disease and identify disparities among New York

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<sup>1</sup> N.Y. Pub. Health Law § 2181 (McKinney); *see generally* Legislative Memorandum from the New York Civil Liberties Union to the New York State Legislature (2020) (<https://www.nyclu.org/en/legislation/legislative-memo-contact-tracing-confidentiality>).

communities. Most crucially, it provides that law enforcement and immigration enforcement cannot serve as contact tracers or access contact tracing information and that an individual's contact tracing information cannot be used against them in a court or administrative proceeding. This is critical, because if people believe that sharing their personal information will lead to their or their loved ones' criminalization or deportation, they simply will not participate.

A.7241/S.6491 will make contact tracing safer for participants and more effective for all New Yorkers, and the NYCLU urges its passage.