



Why Privacy Matter in Handling Pandemic COVID-19?

Lintang Setianti

Human right researcher at @elsamnews

Surveillance Before After Covid 19

Over the Skin Surveillance:

- CCTV, Camera, GPS, Mobile Location Data, Passenger Name Record

New Normal Surveillance

- **“Under the Skin” Surveillance like temperature checks, immunity, certificate passports, thermal facial recognition, contact tracing**



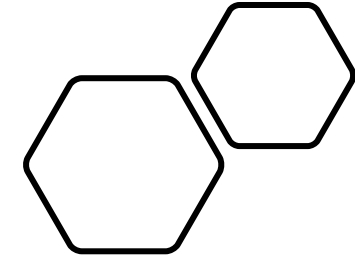
Membantu Pelacakan untuk Menghentikan Penyebaran COVID-19

Dengan mengaktifkan akses bluetooth, Anda akan membantu instansi pemerintah terkait dalam melakukan pelacakan untuk menghentikan penyebaran Coronavirus Disease (COVID-19).



Notifikasi Zona Merah

Dengan mengaktifkan akses lokasi, Anda akan mendapat notifikasi melalui aplikasi PeduliLindungi jika Anda memasuki zona merah. Zona merah adalah area atau kelurahan yang sudah terdata bahwa ada orang yang terinfeksi COVID-19 positif atau ada Pasien Dalam Pengawasan. Selanjutnya jika Anda tetap berada di zona merah tersebut selama 30 menit, PeduliLindungi juga akan memberikan pengingat untuk segera menyelesaikan urusan Anda.



- The purpose of this app is to give user a notification if they are in the Red Zone Area or in Crowd Area
- To help tracing to prevent the transmission

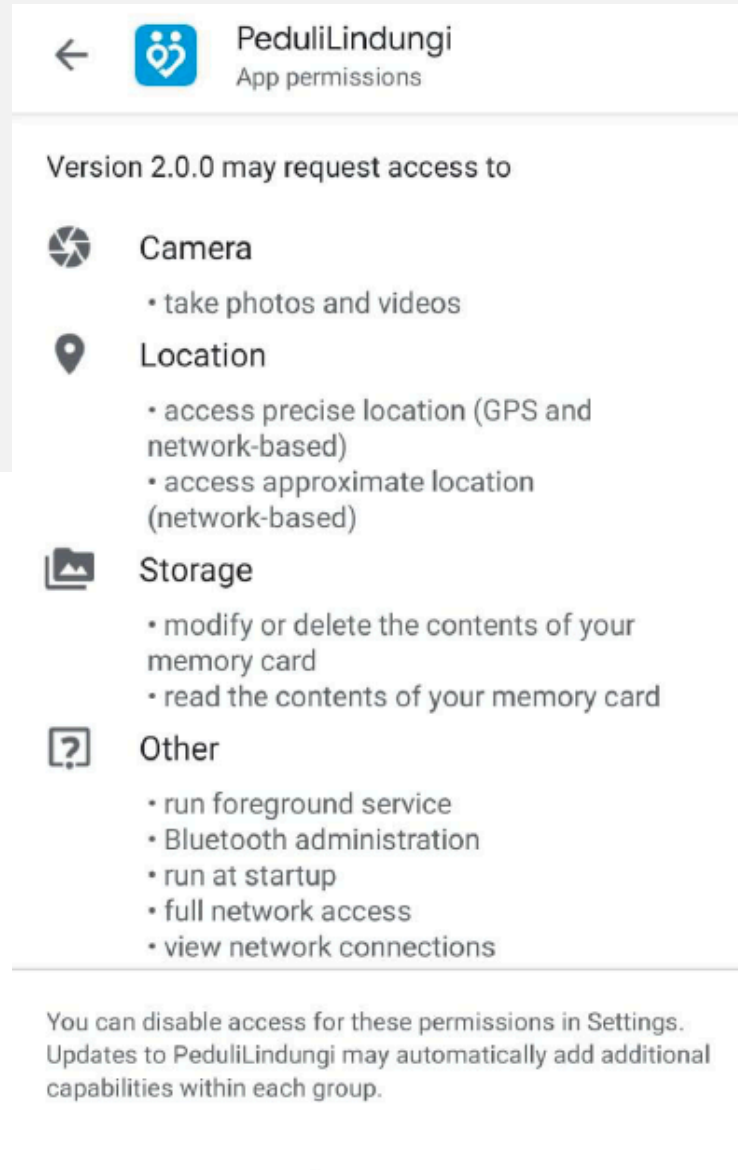
PeduliLindungi memerlukan persetujuan Anda untuk:

- 1 Menyimpan data nomor handphone Anda dalam format yang terenkripsi.
- 2 Mengakses bluetooth Anda.
- 3 Mengakses data lokasi Anda.

Hal ini diperlukan agar PeduliLindungi dapat memberi notifikasi jika Anda memasuki **Zona Merah** atau sedang berada di keramaian.

Data nomor handphone Anda akan membantu instansi pemerintah terkait untuk mengidentifikasi dan menghubungi Anda jika ditemukan adanya riwayat kontak dengan seseorang yang dinyatakan positif terinfeksi COVID-19, Pasien Dalam Pengawasan (PDP), dan Orang Dalam Pemantauan (ODP).

SAYA SETUJU

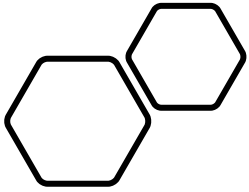


- The purpose of phone number data collection is to help government agencies to identify or contact us if they found there is a history record, we had contact with confirm case

Data and Technology in Handling The Pandemic

- The use of technology in time of crisis like this pandemic is not new
 - Terrorism attack, disaster, or other big events in national level increase the government desire to improve their surveillance capacity
- Contact Tracing is will more effective during the early phase of handling the pandemic
- To track the allocation of health resources effectively
- Various government has surveillance method technology based
 - In Taiwan "Electronic Fence"
 - In Singapore as well as Indonesia launch TraceTogether or Peduli Lindungi
 - China : categorize citizen based on coloring status in order to get access to having activities outside or should do quarantine







Question :
The Effectiveness and
Privacy Violations?

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Digital contact tracing can slow or even stop coronavirus transmission and ease us out of lockdown

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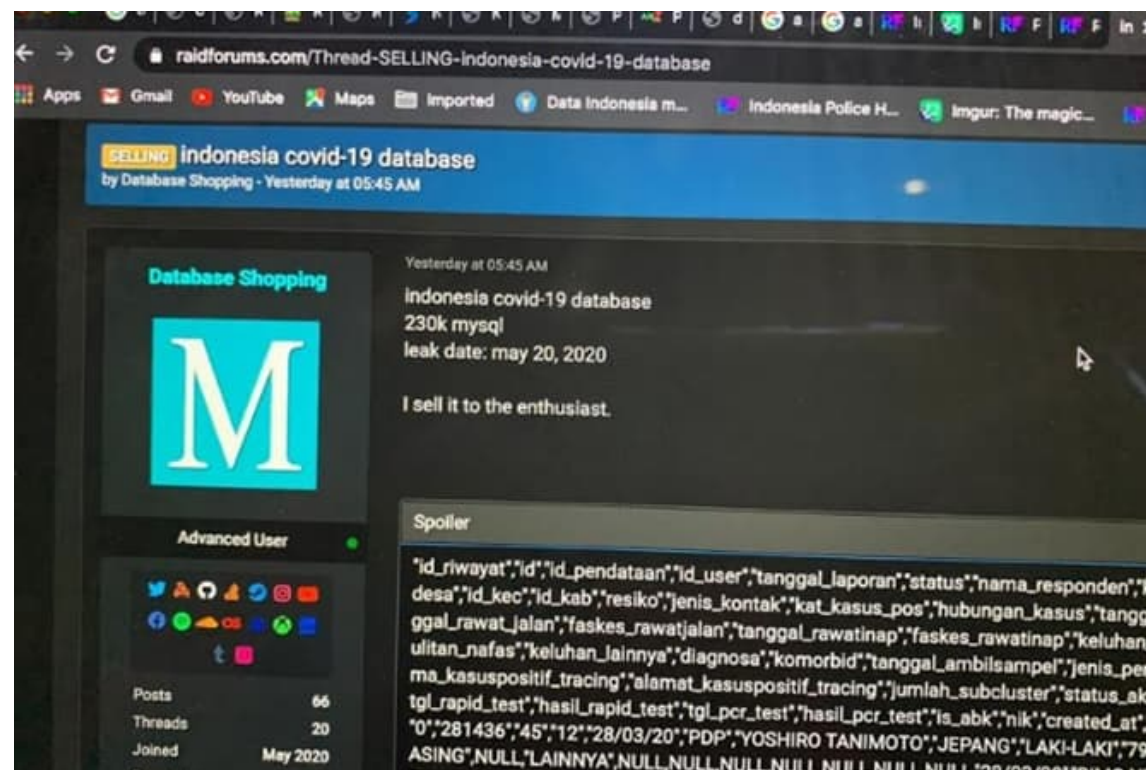
The Effectiveness:

- > 60% citizen should use this app
- > Need to be supported by adequate health infrastructure

Data Pasien Covid-19 Bocor Dianggap Tanggung Jawab Kemenkes

Pihak rumah sakit telah melaporkan semua data pasien Covid-19 secara berjenjang dan berakhir di Kementerian Kesehatan.

Privacy and Data Protection



PERLINDUNGAN DATA PRIBADI



30

**REGULASI YANG MEMUAT
UNSUR PERLINDUNGAN
DATA PRIBADI
YANG BELUM MEMILIKI
STANDAR HAM**

**OECD GUIDELINES ON
THE PROTECTION OF
PRIVACY AND TRANS-
BORDER FLOWS OF
PERSONAL DATA**

- Prinsip pembatasan
- Prinsip tujuan khusus penggunaan data pribadi
- Prinsip kualitas data pribadi
- Prinsip limitasi penggunaan data pribadi
- Prinsip perlindungan keamanan
- Prinsip keterbukaan
- Prinsip partisipasi
- Prinsip akuntabilitas

REGULASI INTERNASIONAL TENTANG PERLINDUNGAN DATA PRIBADI

Pasal 17 Kovenan Internasional untuk Hak Sipil dan Politik

(1) Tidak boleh seorangpun yang dapat secara sewenang-wenang atau secara tidak sah dicampuri masalah-masalah pribadinya, keluarganya, rumah atau hubungan surat-menyuratnya, atau secara tidak sah diserang kehormatan dan nama baiknya.

(2) Setiap orang berhak atas perlindungan hukum terhadap campur tangan atau serangan seperti tersebut di atas.*

Komentar Umum Nomor 16 Tentang Pasal 17 Hak Atas Privasi

Pengumpulan dan penyimpanan informasi pribadi di komputer, bank data dan alat mekanik lainnya, baik oleh pihak berwenang publik atau individu-individu atau badan-badan, harus diatur oleh hukum.

UNDANG-UNDANG YANG MENGATUR DATA PRIBADI DI INDONESIA

UNDANG-UNDANG	A. PENGOLAHAN DATA				B. PEMBUKAAN DATA			C. AKUNTABILITAS		V. KEARSIPAN DAN KEPENDUDUKAN								
	A1	A2	A3	A4	B1	B2	B3	C1	C2	UU Adminduk	-	-	-	-	-	-	-	-
I. HAM																		
KUHP	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
UU HAM	✓	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UU TPPO	-	-	-	-	-	✓	-	-	-	-	-	-	-	-	-	-	-	-
II. MEDIA DAN TELEKOMUNIKASI																		
UU Telekomunikasi	✓	✓	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
UU ITE	-	✓	-	-	-	✓	-	-	-	-	-	-	-	-	-	-	-	-
UU KIP	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
III. PERTAHANAN DAN KEAMANAN																		
UU Anti-Terrorisme	-	-	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-
UU Intelijen Negara	-	-	-	-	-	-	✓	✓	✓	-	-	-	-	-	-	-	-	-
UU Pendanaan Terorisme	✓	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
IV. PERADILAN																		
KUHAP	-	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-	-
UU Tipikor	-	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-	-
UU KPK	-	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-	-
UU Advokat	✓	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UU KY	-	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-	-
V. KEARSIPAN DAN KEPENDUDUKAN																		
UU Adminduk	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-
UU Kearsipan	✓	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-
VI. KESEHATAN																		
UU Praktik Kedokteran	✓	✓	✓	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
UU Narkotika	-	-	-	-	-	-	✓	✓	-	✓	-	-	-	-	-	-	-	-
UU Kesehatan	-	-	-	-	-	-	✓	✓	-	✓	-	-	-	-	-	-	-	-
UU Rumah Sakit	✓	✓	-	-	-	-	-	-	-	✓	✓	✓	✓	-	-	-	-	-
UU Kesehatan Jiwa	✓	✓	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
UU Tenaga Kesehatan	✓	✓	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
VII. KEUANGAN DAN PERBANKAN																		
UU Perbankan	✓	✓	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
UU BI	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UU Perbankan Syariah	✓	✓	-	-	-	-	-	-	-	✓	✓	✓	✓	-	-	-	-	-
UU TPPU	✓	-	-	-	-	-	-	-	-	✓	✓	✓	✓	-	-	-	-	-
UU OJK	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
VIII. PERDAGANGAN DAN PERINDUSTRIAN																		
UU Dokumen Perusahaan	✓	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-	-
UUUPK	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UU Perdagangan	-	✓	✓	✓	-	-	-	-	-	✓	✓	✓	✓	-	-	-	-	-

Keterangan:

Keterangan:

A1 : Tujuan pengolahan data pribadi
A2 : Notifikasi atau persetujuan dari pemilik data pribadi
A3 : Rentan waktu retensi data pribadi
A4 : Penghancuran, penghapusan atau pengubahan data pribadi
B1 : Tujuan pembukaan data pribadi kepada pihak ketiga

B2 : Pemberi izin untuk membuka data pribadi kepada pihak ketiga
B3 : Jangka waktu data pribadi dapat dibuka kepada pihak ketiga
C1 : Sanksi bagi pelanggaran perlindungan data pribadi
C2 : Mekanisme pemulihan bagi korban yang hak privasinya

Privacy and Data Protection

- Because Indonesia has no specific and comprehensive data protection regulation
- There is scepticism from citizen against government in term of using technology to handling pandemic. Based on survey from CISSRec said 81% said privacy protection is urgent in Indonesia
- Based on ELSAM study (2016) there is 32 regulations about data protection in general. 6 of it related to health sector namely Health Law, Hospital Law, Mental Health Law, Medical Practice Law, Medical Personnel Law, and Narcotics Law. Confidentiality of medical record is regulated in Health Ministry Law (PMK) Nom 269/MenKes/III/2008 about Medical Record that obliging all health services providers to maintain the confidentiality of patient' medical records.

Why Privacy Matters on Handling Pandemic?

- Health Data is part of Sensitive Data, which always become one of reason to discriminate people
- More than that, if data patient is leaked it's not only harmful for the person itself but jeopardize public health efforts in wider level
 - Makes public reluctant to have testing because afraid of being humiliated if the data is leaked



17 Prinsip World Health Organization (WHO) dalam Teknologi Pelacakan Berbasis Digital

WHO telah merilis pedoman sementara dalam penggunaan teknologi pelacakan berbasis digital untuk melacak kontak COVID-19. Pedoman ini dimaksudkan untuk mendorong tanggung jawab dan pendekatan berbasis HAM bagi pihak-pihak yang melakukan pengembangan atau penerapan teknologi pelacakan kontak COVID-19. Berikut merupakan pedoman singkat mengenai 17 prinsip yang direkomendasikan:



The New Normal is Personal Data Being Protected

Data Protection Principles on COVID-19 Handling

Transparency

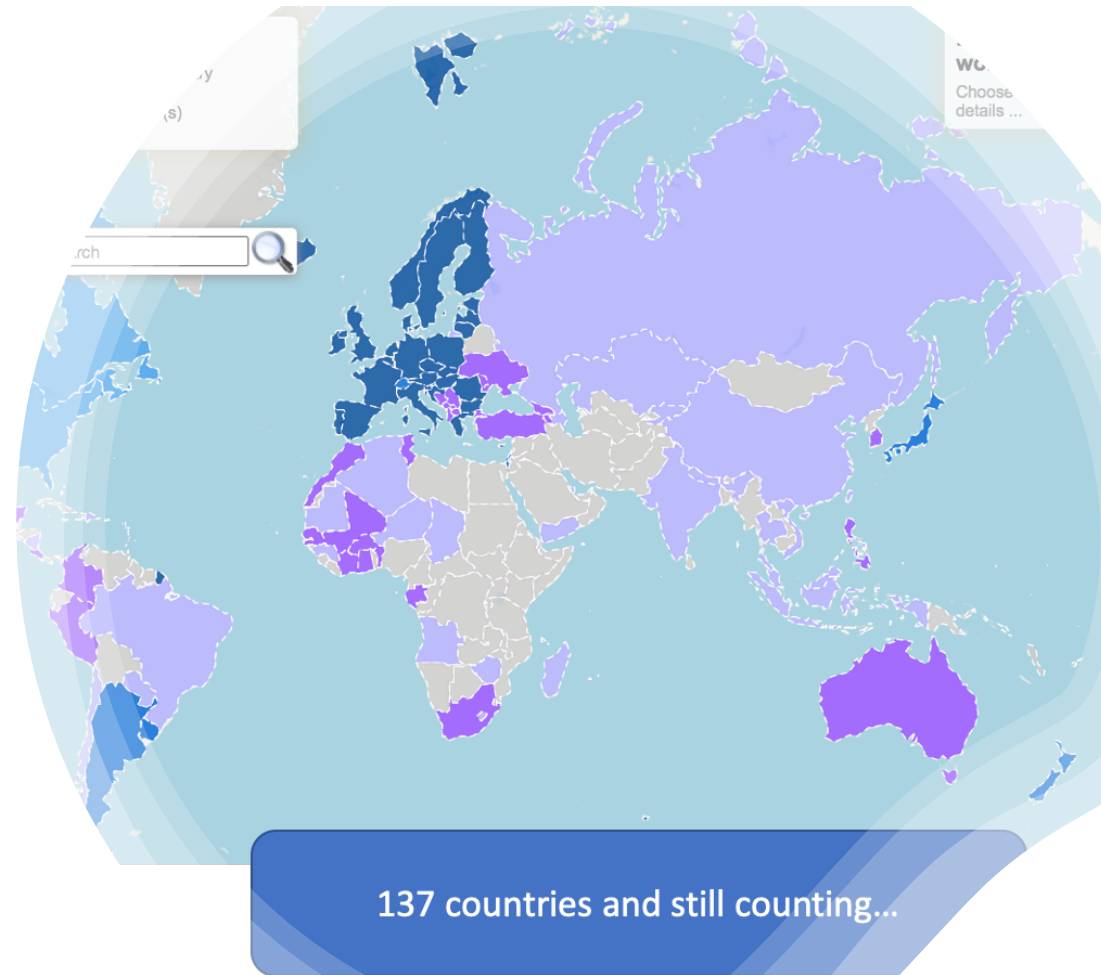
Necessity,
Proportionality
and Data
Minimization

Purpose
Limitation

Accountability

Security

Comprehensive
Personal data
Protection Regulation
is required...



Thailand



Thailand Personal Data Protection Act (PDPA) was finally approved by the National Legislative Assembly on 28 February 2019, and thus has become effective from 27th May 2020.

Malaysia



Malaysia's first comprehensive personal data protection legislation, the Personal Data Protection Act 2010 (PDPA), was passed by the Malaysian Parliament on 2 June 2010 and came into force on 15 November 2013.

Filipina



The Philippines recently enacted the Data Privacy Act of 2012 (the 'Act') or Republic Act No. 10173, which took effect on 8 September 2012

Laos



Laos has also endorsed the Electronic Data Protection Law in 2017, which is a comprehensive reference for the protection of personal (electronic) data

Singapura



Singapore enacted the Personal Data Protection Act 2012 (No. 26 of 2012) ('Act') on 15 October 2012

The background features a series of concentric circles in various shades of gray and blue, creating a tunnel-like effect. A thick, wavy line in a similar color palette cuts across the lower right portion of the image.

Thank You!

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