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March 18, 2020

Vice President of the United States Mike Pence
Eisenhower Executive Ofc. Bldg, W
Executive Ave NW,
Washington, DC 20500

Dear Vice President Pence:

We write with concerns and seeking information about the Administration's plan to launch a virus screening website for COVID-19. On Friday, March 13, 2020, during a White House press conference, President Trump and coronavirus response coordinator Dr. Deborah Birx announced that Google would be developing a website to help Americans access testing clinics and determine whether they should be tested.¹ On Sunday, March 15, 2020, Alphabet announced it is collaborating with California to launch a pilot of a COVID-19 testing website in the San Francisco Bay Area.² We appreciate the Administration's efforts to utilize technology to disseminate up-to-date information about COVID-19 and to assist Americans in determining whether they need to be tested. However, we are concerned that the Administration and any third-party participant in such a venture has not appropriately accounted for the clear privacy and cybersecurity vulnerabilities in deploying and effectuating such a system.

There are myriad privacy concerns about such an endeavor, including: whether people will be required to sign waivers forfeiting their privacy and personal data in order to access the questionnaire; whether the private company responsible for launching and maintaining the website will be prohibited from using data received through the website for commercial purposes; and whether the private company will be prohibited from selling any data collected

¹ <https://www.nytimes.com/2020/03/13/us/politics/trump-administration-coronavirus-testing.html>

² <https://www.cnbc.com/2020/03/15/alphabets-verily-says-it-will-launch-a-limited-coronavirus-testing-website-monday.html>

through the website to a third-party. This applies not just to COVID-19 status but all other personally identifiable information shared through the website for the purposes of evaluating symptoms and identifying testing centers. If the Administration and the private company responsible for launching and maintaining the website does not establish sufficient privacy safeguards, Americans who use the site will be more susceptible to identity theft, negative credit decisions, and employment discrimination.

Moreover, recent data breaches affecting all types of companies, including Quest Diagnostics and LabCorp, Equifax and Capital One, among many others, have left millions of Americans susceptible to identity theft and various forms of fraudulent activity. To state the obvious, the information Americans enter on this website will be highly valuable to potential hackers, foreign state and nonstate actors with nefarious intent, and other criminal enterprises. We are concerned that the Administration has not fully contemplated the range of threats to Americans personally identifiable information.

In addition to privacy and cybersecurity concerns, we have questions about who will be responsible for the website and when it will be launched. On Friday, the Administration announced the website would be developed with Google, however later that day, Google tweeted a statement suggesting the project was much farther from launching than what was indicated by the President. Google's life science affiliate, Verily, said they are "in the early stages of development, and planning to roll testing out in the Bay Area, with the hope of expanding more broadly over time."³ As of Monday however, Google announced even further delays in the availability of its COVID-19 information website stating the company wants to take a little more time to fill out the sites features, which according to reports, it didn't start working on until last week.⁴ Also, news reports indicate it is unlikely that Google's site be able to deliver the comprehensive, national screening features previously mentioned by the White House.⁵ If Google is indeed the private company responsible for launching and maintaining the website, we have specific concerns in light of the company's "Project Nightingale" initiative with Ascension Health which grants it access to millions of American's personal health data.⁶

In light of these concerns, please provide answers to the following questions no later than March 30, 2020. We appreciate your efforts to protect Americans and we look forward to your response.

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³ <https://www.politico.com/news/2020/03/14/pence-coronavirus-website-129530>

⁴ <https://www.theverge.com/2020/3/16/21182761/google-coronavirus-website-delay-screening-testing>

⁵ *Id.*

⁶ <https://www.wsj.com/articles/behind-googles-project-nightingale-a-health-data-gold-mine-of-50-million-patients-11573571867>

1. Has the Administration entered into any agreements with private companies to launch and maintain a website to identify testing clinics and provide a questionnaire for Americans to determine with they should be tested? If yes, when was the agreement formalized and who is the private company?
 - a. Please provide the specific terms of the agreement.
2. If Google is the private company selected to launch and maintain the website, please describe the Administration's analysis of Google's efforts to protect personal health data acquired from Ascension Health as part of the "Project Nightingale" initiative.
 - a. Will Google require individuals to use a Google account to use the website? Will individuals without a Google account be able to use the website?
3. When will the website launch?
4. Who specifically in the Administration is responsible for monitoring the private company's compliance with any such agreement?
5. Will users of the website be required to sign a waiver forfeiting their privacy and personal data, other than for public health purposes, in order to access the questionnaire? If yes, please provide the terms of such a waiver.
6. Will individuals who use the website be able to access and monitor their data?
7. Will the private company be prohibited from using data collected on the website for commercial purposes? If not, why?
8. Will the private company be prohibited from selling the data collected on the website to third parties? If not, why?
9. What specific cybersecurity safeguards will be utilized to ensure the security of the data entered on the website?
10. What are the specific data retention policies regarding any and all information entered into the website by individuals?
11. Will the website and the user entered data protection and use policies be HIPAA compliant?
12. What role, if any, would the Cybersecurity and Infrastructure Security Agency have in supporting the cybersecurity posture of the website?
13. How will testing clinics be identified and approved to be added to the website?

Sincerely,



Robert Menendez
United States Senator



Sherrod Brown
United States Senator



Richard Blumenthal
United States Senator



Kamala D. Harris
United States Senator



Cory A. Booker
United States Senator