



COVID19: BIOMETRIC APPS AND THE “MONITORING” OF RECOVERIES.



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LLM, Lawyer since 1991, 26 years of experience advocating & advising in Chile, Peru, Ecuador, USA and Argentina in cases of economic crime, environmental crime, tax fraud, political issues and data protection before higher jurisdictions in Chile such as the Supreme Court of Justice, the Constitutional Court and the Court of Appeals. Juan Carlos regularly lectures at national and international level, including on Strategic Litigation at the National School of Fiscal Prosecutors in Perú; at the Environment and Economic Crimes Unit of National Fiscal Prosecutors Office in Argentina; is a recurrent advisor of the Constitutional, Justice and Law Commission of the Chilean Parliament and of the Chilean Defence and Justice Ministries. He is the former President and Chairman of the Bar Association of Valparaiso; Member of the International Association of Penal Law (AIDP), and certified attendant in the Siracusa International Institute for Criminal Justice and Human Rights, within the international programme for lawyers and counsels on Human Rights protection before International Courts.

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COVID19: BIOMETRIC APPS AND THE “MONITORING” OF RECOVERIES. PRIVACY, IDENTITY VERIFICATION AND *Human Rights 4.0.*

We were informed that "China lifted a two-month quarantine in Wuhan on Wednesday 8 April 2020, the epicenter of the pandemic, and authorities in the UK and other countries said they would start antibody tests to see if people had been infected, to allow them to return to work or travel."

We all expect a return to normality and to the global trade we are used to, although with the hope of becoming more "human and solidal", having become aware of our fragility and the price the world has to pay because of selfishness and indiscriminate capitalism.

And we are also reported - to acknowledge the "superior public interest" brought by this experience and the new knowledge that the covid19 leaves us - that "a biometric identification system can keep record of people healed or discharged and who receive vaccines during the crisis, according to Larry Dohrs, head of iRespond in Southeast Asia, a Seattle-based nonprofit that introduced its technology last month.

"We can biometrically identify an individual and associate him/her with the results of an exam, as well as to a highly secure document. The person then has 'non-refutable' proof that he/she has immunity thanks to the antibodies in his/her system", Dohrs said. "It would be a very valuable credential," he added (1).

iRespond is defined as a non-profit organization, and according to its webpage it already provides biometric identifications for refugees and stateless persons (2).

This noble purpose of collaborating in the monitoring of the wellbeing of world health and to provide migrants, stateless persons or any person with an "undoubted biological identity", which should be celebrated, if the APP is



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developed and applied en masse, must be carried out in total cyber-security. The information collected, and especially the biological and genetic data of the "monitored" individual, should not be traded or manipulated without his/her knowledge or authorization. (3) Let alone this data should not be shared for "extra-judicial investigations" or social control by police anywhere in the world without reasonable cause, or to discriminate immigration or sexual or ethnic identity rights, which would be contrary to international Human Rights Law. (4) In particular data breach should be avoided, in compliance with the US data protection standards or EU General Data Protection Regulation (EU GDPR). (5) (6)

It will no longer be just the photo, the ID, the fingerprint, the medical record, the facial recognition, the march or the intention of each one that will circulate on the web, or that will be stored somewhere by some agency or company It will be our essential data: DNA.

That is what the new State of Digital Law 4.0 is about.

Juan Carlos Manríquez,

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Sitography

1) <https://www.latercera.com/que-pasa/noticia/identificaciones-biometricas-serian-punto-de-inflexion-en-examenes-y-vacunas-por-coronavirus/5AJVVUQPW5FLM77AIIVT3AXBU/>

2) <https://www.irespond.org/>

3) <https://www.dukeupress.edu/when-biometrics-fail/>

4) <https://www.biometricupdate.com/201902/researcher-says-facial-recognition-models-perpetuate-discrimination-against-trans-people>

5) <https://www.sciencedirect.com/science/article/pii/S2405844016308799>

6) *Fingerprint Gender Classification using Wavelet Transform and Singular Value Decomposition*

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