



KANSAS JUSTICE INSTITUTE

April 2, 2020

The Honorable Laura Kelly
Governor of the State of Kansas
Capitol, 300 SW 10th Avenue, Suite 241S
Topeka, Kansas 66612

Dear Governor Kelly,

According to a recent report,¹ the Kansas Department of Health and Environment was using a GPS program to track residents' locations through their phones.

This prompted, in part, Kansas Justice Institute's² insistence that you publicly reveal the details of this tracking program. At today's daily press briefing, and to your credit, you directly responded to our request for information.

We understand today's comments to indicate: the State of Kansas³ does not have special access to any datasets possessed by Unacast; the State does not have a contract for information, or other ongoing special relationship with Unacast; no additional tracking of Kansas citizens exists; and essentially, the KDHE reviews Unacast's website to determine the State's social-distancing scoreboard. Therefore, no personal information is obtained, utilized, shared, or retained by the State of Kansas. If this is incorrect, or changes, please immediately advise.

Kansas Justice Institute reiterates its concern with the use of cellular data: according to media reports, "academic research published last year suggested it is possible to 're-identify' the majority (99.8 percent) of people who had featured in anonymized datasets[.]"⁴ Other researchers suggest "true anonymization of location data is nearly impossible[.]"⁵ Further, please direct your attention to Stacey Gray, *A Closer Look at Location Data: Privacy and*

¹ Tobias Hoonhout, *Kansas Says It's Using Residents' Cell-Phone Location Data to Fight Pandemic*, Nat'l Review (April 1, 2020). Accessible at <https://www.nationalreview.com/news/coronavirus-kansas-using-resident-cell-phone-location-data-fight-pandemic/>

² Kansas Justice Institute is a non-profit, public-interest litigation firm committed to protecting individual liberty and the constitutional rights of all Kansans.

³ This includes agencies, etc.

⁴ Jason Murdock, *Mobile Phone Location Data of Florida Beachgoers During Spring Break Tracked to Show Potential Coronavirus Spread*, Newsweek (March 27, 2020). Accessible at <https://www.newsweek.com/x-mode-tectonix-coronavirus-heat-map-tracking-mobile-data-covid-19-spring-break-1494663>

⁵ Byron Tau, *Government Tracking How People Move Around in Coronavirus Pandemic*, Wall Street Journal (March 28, 2020). Accessible at <https://www.wsj.com/articles/government-tracking-how-people-move-around-in-coronavirus-pandemic-11585393202>

Pandemics, Future of Privacy Forum (March 25, 2020) accessible at <https://fpf.org/2020/03/25/a-closer-look-at-location-data-privacy-and-pandemics/>

During these troubled and uncertain times, Kansas Justice Institute will continue monitoring the COVID-19 pandemic, and the government's response. This particular moment should not be used to hastily set aside our constitutional rights. Any governmental action should use the least restrictive means possible.

In closing, KJI sincerely appreciates today's public response to our request for information and Dr. Norman's response last evening. Together, we will flatten this curve with our liberties intact.

Respectfully,



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Cc: Kansas Attorney General
Legislative Coordinating Council
Kansas Department of Health and Environment