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May 11, 2020

Ms. Keely Martin Bosler, Director  
Department of Finance  
Room 1145, State Capitol  
Sacramento, California 95814

Dear Ms. Bosler:

In a letter dated May 8, 2020, you notified the Joint Legislative Budget Committee (JLBC), pursuant to Section 36.00, Chapter 2, Statutes of 2020, of your intention to augment the *2019 Budget Act* to assist state and local governments in protecting the health and safety of the public and reducing the spread of the COVID-19 outbreak.

Specifically, Item 4265-001-0001 is augmented by \$8,700,000 for the Department of Public Health (CDPH), in collaboration with the University of California San Francisco and the University of California Los Angeles, to develop a virtual training academy to train staff for the purpose of contact tracing.

Second, Item 4265-001-0001 is augmented by \$18,700,000 for CDPH to contract with Accenture, Salesforce and Amazon Connect to develop a data management platform that supports the contact tracing workforce and integrates with the state's disease surveillance system.

During this time of crisis, the health and safety of Californians is of paramount importance, and quick, decisive, and innovative action is necessary. Given the need to identify hotspots, prevent future spread and combat outbreaks of COVID-19, I concur with the spending request. With that being said, however, the state's efforts in addressing this pandemic can be achieved without interrupting our right to privacy and the need for transparency. The JLBC appreciates that the Administration also shares these values, as evidenced by the Administration providing the

Legislature with the copy of the contact tracing and tracking contracts. Going forward together, we seek the following information by June 1<sup>st</sup>:

- Copies of the data use agreements developed between state departments and local governments to share personal information collected as a result of contact tracing and tracking activities.
- Provide how the Administration plans to ensure that contact tracing workers, who may be working at home, have sufficient training, technological equipment and infrastructure to protect against security risks and breaches.
- Safeguards to ensure the data collected from our immigrant communities that could indicate their documentation status is protected from disclosure.
- Assurances that all vendors associated with contact tracing work understand California laws with regard to expectations to privacy protection and that all vendors understand that use, access, and analysis of personal information is limited only to their contractual obligations.
- If CDPH or any local public health jurisdiction decides to use an app for contact tracing and require vendors, they shall, at a minimum, follow all federal and state privacy laws for collecting, maintaining, and use of personal health information.
- Clarify in the contract that in the event of a data breach, the contractor shall disclose the breach to both law enforcement and CDPH. Unless the notice will impede a criminal investigation, all public notification procedures shall be in accordance with California Civil Code Section 1798.29(d).
- Identify the criteria that will be used to determine the deployment and distribution of state staff for contact tracing at the county level.

I also request that the Administration provide the Legislature—including the appropriate policy and budget subcommittees—with a complete overview of the contact tracing program and the respective role of each contact tracer. The Administration's overview should include information about how the program builds off the state's existing contact tracing work of other infectious diseases and how it feeds into the state's existing infectious disease tracking IT system. Any future decision by the Administration to promote an app-based proximity tracking system would raise issues not addressed by the contracts covered in this funding request and, therefore, should be preceded by additional discussions with the Legislature. How California prevents confusion between its tracing efforts and other independent programs is important in ensuring the effectiveness of the program.

With regard to the public awareness and outreach program, I understand it will be primarily conducted or funded by philanthropic organizations. I recommend media and other materials include a list of the information that will be requested from individuals and include assurances that it will not include a request for social security numbers, financial information or driver's licenses.

Determining the size, cost and who pays for the workforce needed to conduct the contact tracing work will have major budgetary implications for state and county finances. In addition, the Legislature would like to understand better how other public health activities are affected by having redirected that public health workforce to conduct contact tracing. How outreach programs are funded and conducted will be critical in meeting the public health goals of the program.

In conclusion, a public health initiative of this importance and scale deserves a thorough review and policy makers should be given an opportunity to weigh in and ask questions. My colleagues have voiced interest in understanding how contact tracing will be implemented and I urge you to partner with the Legislature in this effort.

Sincerely,

A handwritten signature in black ink that reads "H. Mitchell". The signature is written in a cursive, slightly slanted style. It is contained within a thin black rectangular border.

Holly J. Mitchell  
Chair

cc: Members of the Joint Legislative Budget Committee