

# Israeli coronavirus surveillance explained: Who's tracking you and what happens with the data

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## **[Update: Israel begins digital tracking of coronavirus patients](#)**

Early on Tuesday morning the government unanimously approved emergency regulations for gathering cellphone location data and additional personal information about those diagnosed with the coronavirus or those suspected of having been infected.

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The purpose is to warn potential victims and to enforce quarantine orders. The ministers, who approved the move in a special telephone survey, bypassed the Knesset, which did not have time to discuss the step, although the Justice Ministry promised that it would do so. The cabinet also separately approved emergency regulations for the police and for the Shin Bet security service.

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### **Who can be tracked?**

Anyone who has been diagnosed with the [virus](#), or who is suspected of being ill, even if no laboratory confirmation has yet been received, must remain in quarantine. Even someone who was in close contact with a patient or person under quarantine in the 14 days before the diagnosis – 14 days being the incubation period of the virus – can be monitored. The data is designed to warn anyone who came into contact with those people, by means of text messages, and to monitor anyone sent to quarantine.

### **What information will be gathered?**



A woman uses her phone while walking through Carmel Market, Tel Aviv, Israel, March 15, 2020. Ofer Vaknin

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The police will be able to [collect the data](#) on the location of the person under surveillance and to send it to the Health Ministry. For the purpose of enforcing the quarantines, the data on an individual's location will be collected as a sample, which is not prolonged or consecutive. This refers to the person's last location.

The Shin Bet will be able to access all the information from the cellphone, with the exception of the content of the conversations and messages, which is considered wiretapping and requires a specific court order.

#### How Israel uses geolocation data to fight the Coronavirus

Dr. Tehilla Schwartz Altshuler of the Israel Democracy Institute said that the Shin Bet will also be able to access the credit history saved on the device. The objective is to find the people who were in the surrounding area of people who are ill or suspected of being ill. Attorney General Avichai Mendelblit said on Tuesday that the Shin Bet will not collect the content of citizens' messages and emails.

## **How does the tracking work?**

The law already allows law enforcement authorities to receive the location of a cellphone by requesting it from a cellphone company. The data is not precise, but makes it possible to get a radius of dozens or hundreds of meters, by means of the antenna that received the signals from the device. According to the law currently, a police officer with the rank of chief superintendent or above can ask the Magistrate's Court for permission to conduct tracking in order to investigate or prevent crimes.

In effect, the new regulation makes it unnecessary to receive permission from a judge. The signals that are collected are cellular, rather than being connected to the GPS component of smartphones, and are used for apps based on location. Therefore turning off the device or the location app won't help to remove the tracking - the only way to avoid cellular surveillance is not to walk around with a cellphone.

## **Who will manage the surveillance?**

The Health Ministry may make an initial request to the police or the Shin Bet, depending on the information it needs. The police will be in charge of the use of the location data and the enforcement of quarantine, and the Shin Bet will be engaged in tracking down the "contagion route" of those who are ill. In other words, they will access the location not only of those who are infected, but of those infected people have met with as well.

According to the regulations, the information will be transmitted from the organization that received the request to the staff of the Health Ministry, and only they will be permitted to use it in order to reach those who are sick, those in quarantine, or people who were in contact with them. The Shin Bet said that "due to the sensitivity of the matter, a very limited group of Shin Bet members will deal with the subject." Despite its definition as a security organization, the Shin Bet will be handling a civilian issue.

## **How long will the information be saved for, and who will have access to it?**

At the moment, the expiration date of the regulations for the police is three months from the day they were approved – June 17. The information is supposed to be erased when the regulations expire, but the government can extend them for as long as it wishes. Even afterwards, the Health Ministry is allowed to keep the information for another 60 days, for the purpose of what has been described as "an internal investigation of the activities it conducted." The expiration date of the Shin Bet regulations is two weeks, and they can also be extended. Shin Bet Director Nadav Argaman said that the information will not be saved in the Shin Bet's databases.

## **What will happen in the event that the information is used for other purposes?**

There is no mention of sanctions in the event of police violation of the regulations that have just been approved. The last paragraph of the regulations states that "The Health Ministry and the Israel Police will decide on a procedure regarding perusal of the information and ways of ensuring that it will not be used in contradiction with what is written." The punishment for violating the regulations in the Shin Bet is three years' imprisonment.

## **How did the government bypass the Knesset?**

The Secret Services Committee, a subcommittee of the Foreign Affairs and Defense Committee, has the legal authority to approve regulations relating to the Shin Bet. Until yesterday the committee was headed by Kahol Lavan MK Gabi Ashkenazi.

However, a few hours after the start of the discussion, the [committee was adjourned](#) so that the 23rd Knesset could be sworn in, and has yet to be reconvened. At first the Justice Ministry stressed that the condition for approving the regulations would be a vote in the committee, but it retreated from this demand after it turned out that the formation of the new committee was delayed. Afterwards it was said that they would try to hold a renewed discussion in the Knesset when the committee reconvened.