Pakistan: ‘The virus has turned every facet of life upside down’ – privacy and data protection concerns in the wake of Covid-19

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The world is faced with an unprecedented challenge and many argue that every resource we have should be deployed as fast and as fully as possible in order to save lives. Equally, governments are urged to minimize the economic disruption which may cost lives due to poverty and hunger long after the pandemic itself is over.

But members of religious minority communities fear that the apparent ‘carte blanche’ to use all data and every technology in this context may lead to serious problems both now and long after the pandemic is over.

Covid-19 is turning out to be an opportunity for many governments, telecommunications companies and social media groups to collect copious amounts of personal data, citing the urgent need to fight the pandemic. Both state and non-state actors have joined hands to work collaboratively and benefit from personal data as much as they can.

In Pakistan, the government has been using Cell Site Location Information (CSLI) and Call Details Record (CDR) technologies to access the personal data of citizens from their cell phones and send out Covid-19 messages. An application has also been developed and launched, enabled through geotagging services, to send alerts to citizens who are entering or resident in vicinities with known cases of Covid-19.

Just weeks before, social media companies were meeting with the authorities to protest a sweeping new law aiming to control their activities.
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in Pakistan. The new regulations, Citizen Protection (Against Online Harm) Rules 2020, give authorities access to their data and fine companies that do not comply. It would also create a new post, the national coordinator, who would have the power to require social media companies to take down or block content within 24 hours. We understood that companies were threatening to withdraw from Pakistan as they said that they could not function under the new legislation. I was so worried about the problematic new regulations approved by the Cabinet that I petitioned the Islamabad High Court to disallow the measure: I felt that it would have such a severe impact on the right to privacy and freedom of speech for all citizens of Pakistan, but in particular for the most vulnerable groups, including those of minority faiths, minority sects of Islam and those of no faith. That case is still pending.

Just a few weeks later, the virus had turned every facet of life upside down. Telecommunications and social media companies have worked hand-in-hand with governments in this challenging time to convert the pandemic into opportunities to further
target the public with advertising. Meanwhile governments, aside from Covid-19, have also been interested in collecting citizens’ data to use it for their national security-related interests.

The entire stream of massive data collection by governments with the help of telecommunications companies and social media giants is a shady exercise – and entails lots of privacy related implications. Aside from the fact that most of the data is being collected without seeking prior informed consent, there are serious concerns about the integrity of data controllers and data processors, data retention, security protocols employed by the data controller and processor, oversight and remedial mechanisms.

From the perspective of religious minority communities in Pakistan, the idea that all their data is to be made available to the state is terrifying. Pakistan has openly discriminatory laws concerning blasphemy and directly discriminates in advertising for low paid workers to be ‘non-Muslim’. Restrictions on the operations of NGOs are already very tight. Multiple serious and violent attacks on minority religious communities are common in Pakistan, and minority communities do not believe that the state’s data processing measures will ensure that their data cannot reach those who may have supported such attacks in the past. Already in a vulnerable position, any expansion of the government’s powers to collect and use personal data in the future could mean that these communities will feel the need to retreat further into isolation, communicating only amongst their own members and no longer able to feel part of Pakistan’s society as a whole.

So, whilst the need to use the tools we have to save lives may be correct, this should be done with safeguards and limits, particularly in a context such as Pakistan where many communities already face the threat of being targeted online. If we do not consider the long-term implications of the decisions we make now around privacy, security and technology, it may be much harder to roll back these intrusions once the crisis is over.

This case study is adapted from a blog originally published on MRG’s website in May 2020, Religious minorities, privacy and data protection in the fight against Covid-19.