TORONTO

COVID ALERT APP AND CITY MOBILE DEVICES

Date: September 29, 2020
To: City Council
From: City Manager
Wards: All

SUMMARY

This report responds to a request from the General Government and Licensing Committee for the City Manager to report on the feasibility of installing the *COVID Alert* app on City of Toronto managed devices to maximize the benefit of the software.

COVID Alert is an exposure notification app that was released by the Government of Canada in July 2020. The *COVID Alert* app is available for download to mobile devices and uses wireless technology to inform people if they may have been exposed to COVID-19. At the September meeting of the General Government and Licensing Committee, the City Manager, in consultation with the Medical Officer of Health, was asked to report on the feasibility of installing the *COVID Alert* app on City of Toronto managed devices. This report outlines three options and considerations. Staff recommend that the *COVID Alert* app be pushed to all City managed mobile devices, and encourage employees to voluntarily activate the app. This approach enables the City to promote greater adoption of the app to support the COVID-19 response, while balancing the technical, legal, labour relations and privacy considerations.

RECOMMENDATIONS

The City Manager recommends that:

1.   City Council request the Chief Technology Officer, in collaboration with the Chief Information Security Officer, Chief People Officer, and the Chief Communications Officer push the *COVID Alert* app to City managed mobile devices, and implement communications to promote activation and use of the app.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendation in this report.

DECISION HISTORY

On September 14, 2020 the General Government and Licensing Committee requested the City Manager, in consultation with the Medical Officer of Health, to report directly to the September 30, 2020 City Council meeting on the feasibility of installing the COVID Alert app on all City of Toronto managed mobile devices and the necessary steps to maximize the benefits of the software.

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL15.24

COMMENTS

The *COVID Alert* app was released by the Government of Canada in July 2020 as part of the response to COVID-19. The app is freely available for download, and uses Bluetooth technology to inform users if they may have been in contact with someone who has tested positive for COVID-19. The benefit of the app is that someone who has been potentially exposed to COVID-19 is notified so they can immediately contact their local public health authority to indicate their exposure. This can help case and contact management and response efforts to reduce the spread of COVID-19.

The Office of the Privacy Commissioner of Canada (OPC) and the Ontario Information and Privacy Commissioner (IPC) are satisfied that the design of the *COVID Alert* exposure notification app meets all of the privacy principles for contact tracing apps. The use of the app is voluntary and has been developed with robust safeguards to protect the identity of users. The app does not collect personal information nor provide the government (or anyone else) with location information. Healthcare workers have no way to provide people's personal information to the *COVID Alert* app.

The governments of Canada and Ontario have demonstrated that the app, although new, is likely to be effective in reducing the spread of COVID-19, as part of a broader set of measures that includes manual contact tracing. However, because the effectiveness is uncertain, the Office of the Privacy Commissioner of Canada (OPC) and the Ontario Information and Privacy Commissioner (IPC) recommended that the implementation of the app be closely monitored and that the app be decommissioned if new evidence indicates it is not, or is no longer, effective in achieving its intended purpose.

From a cyber security perspective, the City has assessed the app to be of minimal risk at this time given the service provider's (Federal Government's) cyber review and testing of the app.

Technology Services has the capability to push the *COVID Alert* app to the City's smartphone devices even with some technical and user communication considerations that may pose a challenge for some devices. While the app can be pushed to the devices, the app must be manually enabled by the employee and Bluetooth must be kept enabled. There are some City devices that would require software updates to ensure compatibility with the app.

Installation of COVID Alert on City Mobile Devices

City staff reviewed the request made by the General Government and Licensing Committee from a number of perspectives including technology, privacy, cyber security, legal and labour relations. Three potential options were assessed:

1. Encourage all City employees to download and activate the *COVID Alert* app on their City managed mobile device;
2. Push the *COVID Alert* app to all City managed mobile devices and encourage all City employees to activate the app; and
3. Push the *COVID Alert* app to all City managed mobile devices and require that employees activate the app.

The following section provides an overview of each option.

1. Encourage City employees to download and activate the *COVID Alert* app

The first option is to encourage City employees to download and activate the *COVID Alert* app. This approach has been used previously. In August a communication was distributed to employees encouraging use of the *COVID Alert* app as part of the response to COVID-19. A renewed communication strategy could promote further downloading and activation of the app on City managed devices.

This approach has been previously accepted and endorsed by the City's unions and associations.

2. Push the *COVID Alert* app to City mobile devices and develop a communications campaign to encourage employees to activate the app

The City has the ability to push the *COVID Alert* app to City managed devices as it currently does with applications such as RSA soft tokens, Filr app, Salesforce and other internally developed applications for Divisions. This would mean that all compatible City mobile devices will have the app installed on them. Once installed, individuals must open the application to activate it. The activation includes confirmation to allow use of the service and the Province/Territory. It does not include any personal information such as name or location. Individuals must keep Bluetooth turned on for the app to function. Technical and user considerations would need to be addressed such as the need for the user to manually enable the app.

A communications strategy that highlights the benefits of use of the app and provides answers to commonly asked questions would likely support increased use by employees. Employees would be encouraged to activate the app although ultimately this would remain voluntary.

The City's Acceptable Use Policy (AUP) directs the acceptable use of City's Technology Services Assets. Under this option, activation of the app by the employee will remain voluntary, with a focused education and communication campaign put in place to encourage activation. The AUP authorizes the City to conduct Systems Monitoring at

any time, at will and in its sole discretion to protect the integrity and security of the City's IT assets, including the ability to recover deleted files and data stored or accessed using the City's IT assets. As the *COVID Alert* app will be on a City device, this authorization will apply to the app under the AUP, however, the app does not track, collect or share personal health information, identity or location. The City would not use this app to collect, share, or identify location information.

An additional consideration of this option is that the app is most effective when it is used widely and throughout the course of the day. This option would push the app to City managed devices, but not necessarily capture time spent outside of work hours or when employees are using personal phones.

This approach is low risk from a cyber security perspective. The Office of the Chief Information Security Officer would monitor the app's vulnerability guidance issued by the Federal Government as part of this approach.

3. Push the *COVID Alert* app to City mobile devices and mandate that employees activate the app

There are several considerations for mandating that City employees activate the *COVID Alert* app. First, while the app can be pushed to City managed devices, the City cannot determine how many phones have activated the app, nor how many phones are Bluetooth enabled, required for the functioning of the app. As a result, the City cannot ensure that employees are in compliance with activating the app, if it were mandated.

Second, while the City has evaluated the privacy concerns to be minimal given the security protocols in the app, some employees may not want to use the app out of concerns for their privacy. A primary reason the Office of the Privacy Commissioner of Canada (OPC) has approved the *COVID Alert* app is due to the consent that is required to activate the app. The OPC discourages third parties from circumventing the voluntariness of the app. The Canadian Civil Liberties Association has advised the City they would oppose any policy that required the mandatory adoption of this app by City staff.

A policy of pushing this app to all phones cannot be limited only to phones carried by employees. This includes personal devices of Councillors who have allowed the City to manage their device for Council Office business. The City Manager does not have the authority to direct non-employee users (e.g. City Councillors) to activate the app.

Employee and Labour Relations Considerations

While there is no collective agreement requirement to do so, given previous messaging endorsed by the unions and associations encouraging voluntary downloading of the app, and in the interest of good labour relations, unions should be formally notified if the City intends to push the app on to City devices.

A request through a communication campaign for users to activate the *COVID Alert* app on their City-owned phone is less likely to be an issue of concern by employees and/or their bargaining agents as this approach would focus on the health benefits of the app being deployed and activated across the city's devices. A voluntary approach to activation is consistent with the app's intended purpose and approved use by various Privacy Commissioners.

A mandatory activation requirement approach might be the most challenging to employee and labour relations. While the City has evaluated the privacy concerns to be minimal given the security protocols in the app, some employees may refuse to carry or use the phone out of concerns for their privacy. The City could be subject to grievances filed by bargaining agents challenging this direction. To prevail, the City would be required to establish that mandating use was a reasonable management directive.

Proposed Option

Staff recommend that the *COVID Alert* app be pushed to all City managed mobile devices, and that employees are encouraged to activate the app, through a communications strategy. This approach enables the City to strongly support use of the app and promote greater adoption to support the COVID-19 response, while balancing technical, legal, labour relations and privacy considerations.

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SIGNATURE

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