

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300; 917-591-3452

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March 19, 2021

Mr. Vandeth Chea
Minister of Post and Telecommunications
Ministry of Post and Telecommunications
No. 13 Preah Monivong Blvd (93)
Phnom Penh
Cambodia

Re: Use of QR Code System to Contain Spread of Covid-19

Dear Mr. Vandeth Chea,

Human Rights Watch is writing to raise concerns about the government's lack of transparency and disregard of human rights arising from the "Stop Covid-19" QR Code system. We are particularly alarmed about the lack of protection for privacy and personal data.

On February 20, 2021, the Ministry of Post and Telecommunications (MPTC), together with the Ministry of Health, launched the QR Code system in response to Cambodia's most recent outbreak of the coronavirus. By March 12, a [post](#) on your Ministry's Facebook page revealed that 20,763 public and private institutions (including public hospitals, restaurants, hotels, entertainment venues, condominiums, companies, and factories) had registered, with a total of 6,617,354 locations scanned by users. In mid-March, the media [reported](#) that the Siem Reap provincial administration had deployed officials to National Road 6 at the Siem Reap-Kampong Thom provincial border for mandatory screening for symptoms of Covid-19, including temperature checks, while subjecting all persons to a QR Code scan.

On the Ministry's [Facebook page](#), posts explain that the use of the QR Code system is voluntary, but participation is strongly encouraged. It asks users to scan the QR code when entering establishments or institutions that have previously registered their participation in the QR Code system and downloaded and printed a QR Code from the [government's website](#). Users hold their smartphone cameras that read such codes against the printout or visit the website to scan the code; thereupon, they enter their phone numbers and receive a six-digit code in a text message, which they need to enter.

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While Minister of Health Mam Bunheng [stated](#) that the aim of the QR Code system was to record the movements of customers, visitors, and staff at those locations without violating users' privacy, on March 8, the MPTC [stated](#) that the QR Code scan would provide the government with information about the user's location. This would allow the government to quickly identify the user and reveal data on whether a person is violating two-week self-isolation requirements when exposed to someone who tested positive for Covid-19 or when tested negative after having entered Cambodia.

Human Rights Watch is deeply concerned that creating a log of people's locations reveals sensitive insights about their identity, location, behavior, associations, and activities that infringes on the right to privacy, adding to the government's existing intrusive surveillance practices. The minister's statement also raises serious questions about the purposes for which the data can be used, by whom and who has access to it, how it is being stored and for how long.

Human Rights Watch is troubled by the lack of transparency around the QR Code system. Members of the general public are finding themselves in situations unable to evade being subject to the system if they do not want to be denied access to essential establishments or be denied entry to provinces at inter-provincial border crossings where local authorities have installed QR Code scanners logging persons' screenings for symptoms of Covid-19. Human Rights Watch has received information that several business owners have been enforcing the system very strictly, denying customers access if they did not QR scan their mobile phones at the entrance, rendering this voluntary system de facto mandatory. While provinces and businesses can adopt measures to limit or even refuse entry to people who may have Covid-19, the QR Code System is disproportionate for its intended purpose.

Business owners in particular are fearful of being deemed non-compliant with government-imposed measures, and thus liable to possible sanctions such as those contained in the recently passed [Law on Measures to Prevent the Spread of Covid-19 and other Serious, Dangerous and Contagious Diseases](#), which introduced disproportionately high criminal penalties of up to 20 years in prison and fines. The QR Code system, as such, does not have any basis in legislation and its alleged voluntary nature does not merit its own sanctioning system.

A government's rights-restricting measures to protect public health in an emergency situation, such as a pandemic, need to be in line within its obligations under international human rights law. The use of a QR Code system needs to demonstrate that it is necessary and proportionate to combat the spread of Covid-19, that restrictions are limited in duration, that adequate safeguards to prevent human rights violations have been adopted, and that restrictions are subject to independent oversight while offering individual recourse to remediation for rights abuses that ensue from resort to such technology. Any measures have to demonstrate that they are genuinely effective in curbing the spread of

Covid-19, with less intrusive measures not being suitable. In reaction to the three local community transmission outbreaks, a more proportionate and less intrusive response by the Cambodian government would be to resort to standard public health measures, such as paper contact tracing.

A series of security and data protection concerns arise when resorting to such a check-in system.

A QR Code system [should](#) be limited in scope and purpose, used only for the purposes of responding to the pandemic; ensure sufficient security of any personal data that is collected; be transparent about any data-sharing agreements with other public or private sector entities; and incorporate protections and safeguards against abusive surveillance, and give people access to effective remedies. It [should also](#) be time-bound and only continue for as long as necessary to address the pandemic, mitigate any risk of enabling discrimination or other rights abuses against marginalized populations, and provide for free, active, and meaningful participation of relevant stakeholders in data collection efforts.

To date, Cambodia lacks a data protection law that would regulate and protect the usage, collection, and retention of data. This exposes internet and mobile users to risks of misuse of data and uncertainty about where and how long data is retained, who has access to it, and for what purposes it can be used. The fact that the government is able to identify users of the QR Code system raises serious concerns of data protection infringements. Your government should urgently develop a law on data protection and specific guidelines on protecting the right to privacy with the usage of the QR Code system. The lack of privacy protection undermines people's trust in public health measures responding to the pandemic. Such trust by the public is necessary for public health measures to be effective, requiring transparency and education of the public about the technology's terms and conditions as well as risks to avoid that the public is misled and told to trust the technology without fully understanding the system.

We wish to request your response to the questions below on access to storage and protection of personal data under the QR Code system. Any other information or documents you can provide would also be appreciated.

- 1. Does the QR Code system place strict limitations on how data is collected, used, aggregated, retained, and shared, including with other users, other government agencies, businesses resorting to the system, and the public?**
- 2. Are there clear time limitations on the use of the system and information gathered through it, including plans for the QR Code system to be deactivated and accompanying data deleted after it is no longer needed?**
- 3. Has the government developed guidelines on the protection of personal data by usage of the QR Code system to ensure that users control what information they are sharing and when to discontinue the sharing of such data?**

4. **Is data collected through the QR Code system protected against external parties who may wish to exploit or tamper with it? Is the data stored in plain text or is it encrypted?**
5. **Is there independent oversight over the usage of the QR Code system, such as allowing users recourse to remediation for rights abuses that have ensued?**

Human Rights Watch believes there are serious concerns of necessity and proportionality in resorting to the QR Code system as a governmental response to the spread of Covid-19, while information is lacking on privacy and data protection or oversight and access to remedies in case of rights abuses. Security experts asked about how to protect against the dangers of QR Codes have replied with “[simply don’t scan them](#)” – which makes for a strong case against its usage to combat a pandemic.

We thank you for your consideration and look forward to hearing from you on the above issues by April 2, 2021. Please provide information to my colleague Racqueal Legerwood at legerwr@hrw.org.

Sincerely,

Phil Robertson
Deputy Asia director

Cc:
Hun Sen, Prime Minister
Sar Kheng, Minister of the Interior

Prak Sokhonn, Minister of Foreign Affairs
Mam Bunheng, Minister of Health