

Public health or digital liberties?

Citizens' tracking
during and after COVID-19:
implications for democracy
in EaP countries

Report on the situation
in Georgia



B | S | T The Black Sea Trust
for Regional Cooperation
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Contact Information

PMO Business Consulting, in cooperation with the Digital Communication Network (DCN) performed the study on application of digital tracking tools for managing epidemic situation during Covid19 pandemic in Georgia. The study was prepared under the framework of the program- “Public health or digital liberties? Citizens’ tracking during and after COVID-19: implications for Democracy in EaP (eastern European) countries”. The study aims to explore the responsive measures for dealing with challenges related to the Covid19 pandemic situation in Georgia, evaluate state regulations and restrictions applied to mitigate virus spread, including application of digital tracking tools for controlling and revealing the incidence of disease, and their implications for democracy and human rights in the country. The research investigates regulatory framework and personal data protection mechanisms in Georgia and their compatibility on mobile application system (STOP COVID). The study is conducted during the period of February-March 2021. This document describes the preliminary findings of the research and further steps for the analysis. Please direct any questions to PMO.

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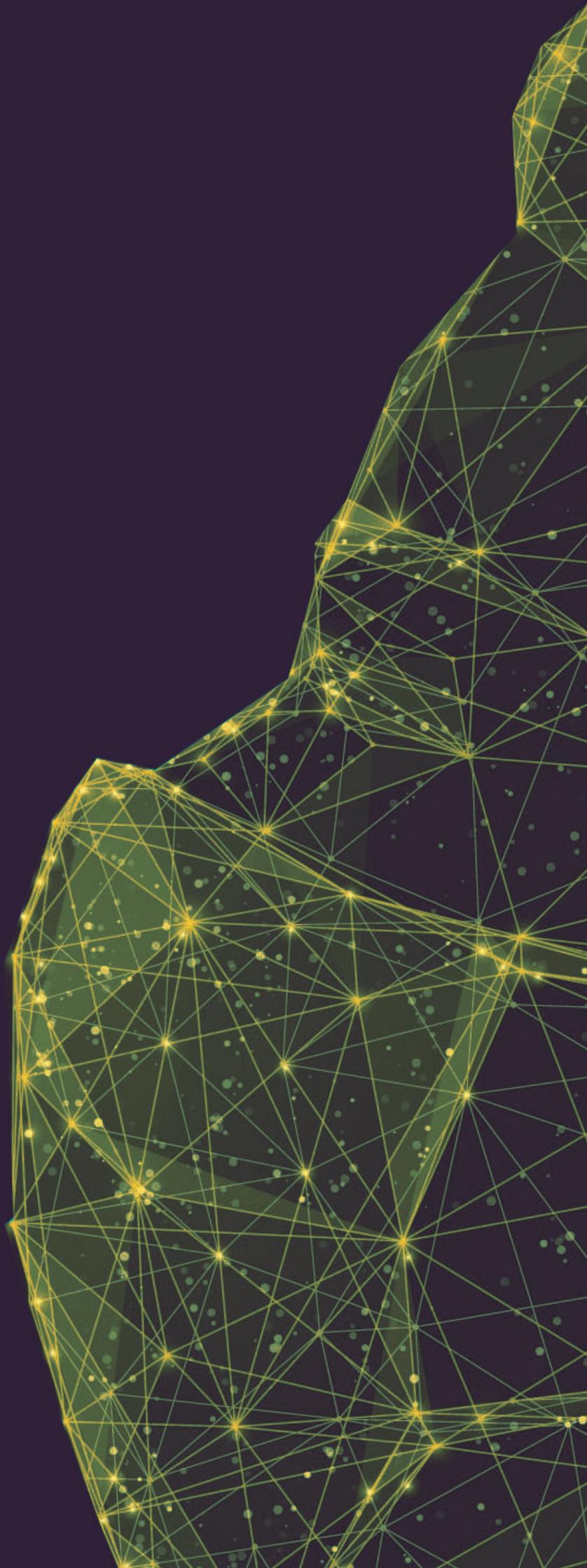
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Acronyms

EaP	Eastern Partnership
Covid 19	Coronavirus Disease - 2019
CSO	Civil Society Organization
App	Application
GoG	Government of Georgia
MoLSHA	Ministry of Internally Displaced Persons from Occupied Territories, Labor, Health and Social Protection of Georgia
GYLA	Georgian Young Lawyers Association
EMC	The Humans Rights Education and Monitoring Center
NCDC	National Center for Disease Control and Public Health
PwD	People with Disabilities
US	United States
WHO	World Health Organization
SIS	State Inspector's Service
IDFI	Institute for Development of Freedom of Information

Introduction

1



Introduction

The breakout of Covid19 pandemic set new challenges for the world and completely changed the life style of people. The first case of disease was revealed in China at the end of 2019 and gradually spread across the world. At the end of January, 2020 World Health Organization (WHO) announced the public health emergency of international concern and at the beginning of March declared a pandemic.

Currently, more than 200 countries across the world were affected by virus. Except for the direct impact on public health, the expansion of pandemic brought significant economic costs to the countries, due to the restrictions and lockdowns that were imposed to mitigate the virus spread. Since its outbreak the virus infected over 167 million people across the world and over 3.5 millions of lives are lost due to the virus¹.

Georgia is also among countries who struggles against the pandemic since February 2020 by using various measures to reduce expansion of virus and protect public health and lives. Soon after confirmation of first case of Covid19 in the country, Georgia announced the state of emergency situation across the country and imposed various restrictions suspending the basic rights of freedom, such as prohibiting mass gathering of people, suspending free movement and access to the transport services, and limited some economic activity, also imposed curfews to limit social interactions and avoid significant increase of virus cases. The regulation and restrictions imposed by Government of Georgia (GoG) was changing depending on the severity of epidemic situations and some restrictions were lifted during the period when cases of virus were declining.

Among the other measures applied for struggling against pandemic, the modern digital tracking applications were also introduced for in some countries. The smartphone-based applications were aimed to strengthen contact tracing capacity and assist to healthcare institutions in investigating contacts and reveal individuals that were

under risk of infection. Such applications mainly use GPS or Bluetooth technologies to follow the movement of people and identify the individuals that have interactions with patients who were diagnosed with Covid19.

The Singapore was the first country that launched digital tracking application "Trace Together" in March, 2020, for investigating spread of infection cases². Later, the other countries also introduced digital tools for tracing and control spread of Covid19. Currently, there are wide range of countries that apply digital contract-tracing applications to combat widespread of pandemic.

Although, in theory the digital tools for tracing infection spread supposed to assist healthcare institutions in prevention spread of virus, in fact its effectiveness is largely determined by collective application of such tools. The higher is the number of APP users more effective becomes to timely reveal contacts that are under risk of infection. Therefore, some countries make compulsory for its citizens to use digital tracing APPs, while majority of democratic states introduced APPs on voluntary basis and the usage of contract-tracing tools depends on citizens' behavior, responsibility and readiness to share their private information.

This study aims to evaluate the measures applied for prevention of Covid19 spread in Georgia in terms of its implications on democracy and protection of basic principles of human rights. The study particularly focuses on application of digital tracing tools-STOP COVID APP, which was introduced in April 2020 in Georgia with the aim

1. Source: <https://www.who.int/emergencies/diseases/novel-coronavirus> last accessed May27, 2021

2. Source: "Predicting Public Uptake of Digital Contact Tracing During the COVID-19 Pandemic: Results From a nationwide Survey in Singapore", Journal of Medical Internet Research (JMIR), vol 23, #2, February, 2021, available at: <https://www.jmir.org/2021/2/e24730/>

Introduction

to simplify contact tracing process and improve timely identification of contacts that fall under risk of infection.

The study began in February 2021 and will be completed by the end of April. This document provides the summary of preliminary findings regarding the measures applied by GoG

for prevention of Covid19 pandemic and its compatibility with the general principles of democracy and human rights. The preliminary findings were obtained through the desk review of existing documents, interviews and consultations with different stakeholders, including state institutions, experts, representatives of civil society and citizens of Georgia.

Key findings:

The introduction of STOP COVID APP for investigating incidence of cases and associated contacts did not cause any disturbance in protection of principles of democracy and human rights, as the rate of usage APP among Georgian citizens was very low-STOP COVID APP was introduced in April 2020 by GoG with the aim to trace movement of people and simplify process of investigation contacts of patients who were diagnosed with Covid19. However, only 8% of citizens downloaded and installed APP, which is not sufficient for ensuring the effective investigation of Covid19 contacts.

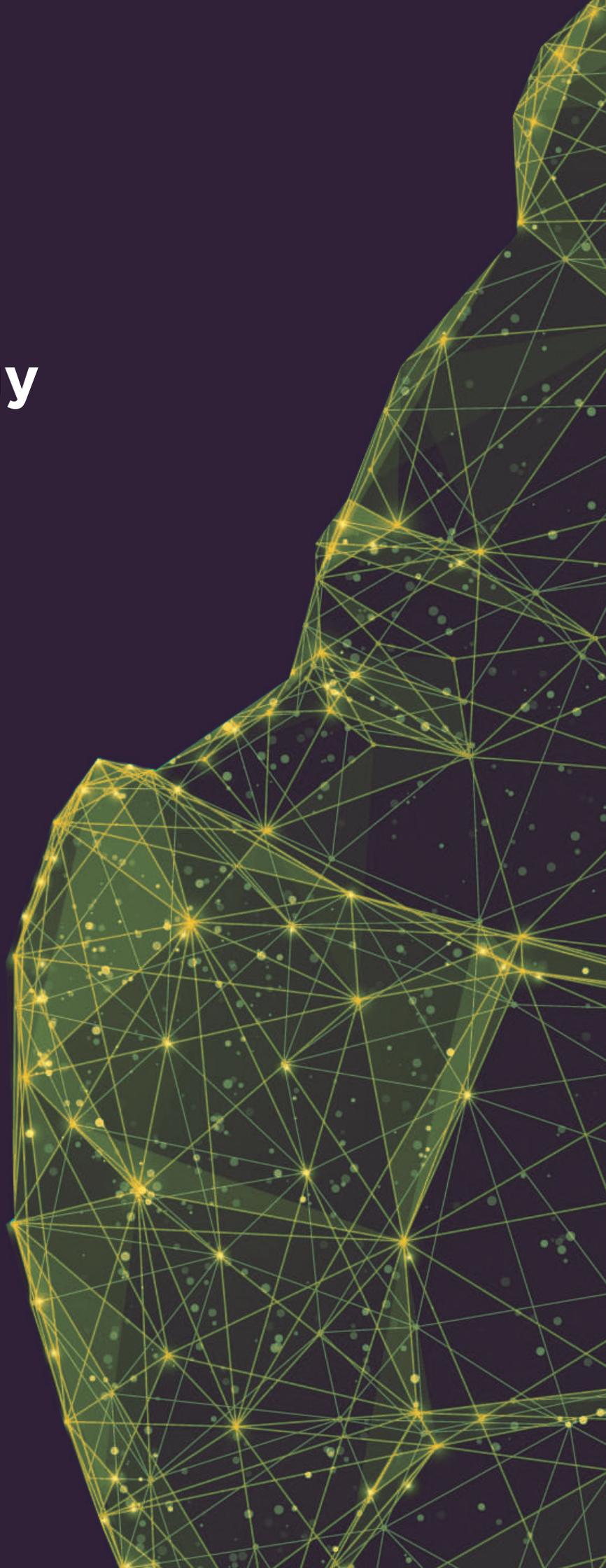
The absence of effective communication campaign and lack of information about the application were main reasons why STOP COVID APP did not gain sufficient number of users in Georgia-the introduction of Covid19 tracing application was not supported by effective communication campaign to increase awareness of citizens about benefits and necessity of APP for combating spread of infection across the country. The communication activities for disseminating information about STOP COVID APP was performed only during the spring of 2020 and no subsequent actions were made to increase rate of usage of APP among citizens. Furthermore, information about APP was available only on official webpages, which is not sufficient to cover wide range of target audience, considering the fact that around 20% of rural population and 11% of urban population does not have access to the internet.³

The amendments in the Georgian Law on Public Health granted rights to GoG to impose restrictions during epidemic situation without Parliament's approval is considered as major risks for the principles of democracy-The majority of actions applied by GoG for prevention of widespread of Covid19 across country were compliant with the guidelines and recommendations of WHO and Georgia's National Center for Disease Control and Public Health (NCDC) and the procedures for imposing restrictions suspending basic principles of freedom and human rights were compliant with the rules defined under Constitution of Georgia. At the beginning of March GoG announced State of Emergency Situation which was approved by parliament of Georgia. However, in May 2021, the GoG make amendments in Law on Public Health which allowed government to impose restrictions during epidemic situation and suspending basic principles of freedom without parliament's approval. After amending the law, the most of the responsibilities of parliament were delegated to the government, which creates risks that some of the restrictions could be applied for political reasons and not for the prevention of Covid19 spread in the country.

3. CRRC, Caucasus Barometer, 2019, available at: <https://caucasusbarometer.org/ge/cb2019ge/WEBHOMEH-by-SETTYPE/>

Methodology

2



Methodology

The ultimate goal of the research is to analyze government regulations and measures applied for prevention of Covid19 disease in Georgia, with particular focus of digital tracing tools applied for investigating infection spread and evaluate their compatibility and adequacy with the general principles of democracy, human rights and freedoms.

In order to achieve the study objectives, the qualitative and quantitative research methods were applied to get in-depth understanding on existing regulatory framework guaranteeing the basic rights of freedom and democracy in the country, as well as the compatibility of measures applied in managing epidemic situation with the main principles of democracy and human rights.

For the purposes of the following research, has been studied the legislative framework of Georgia: (1) The Constitution of Georgia, (2) The Law of Georgia on Public Health and relevant amendments made in the law, and (3) The law of Georgia on Personal Data Protection.

The analysis of regulatory framework aimed to analyze legal basis in the field of protection of personal data and human rights in general, as well as its compliance with the legislation of the European Commission. Furthermore, was examined the new amendments in the Georgian Law on Public Health to evaluate their compliance with the Constitution and the organic law.

Except for the analysis of regulatory framework, during the study was evaluated the process and approach applied by GoG for introducing the STOP COVID app, its impact on prevention of virus spread, and guarantees provided by app for protection of users' personal data.

The background information about evolution of epidemic situation in Georgia and responsive measures were obtained through the desk research. In addition, the interviews and consultations were conducted with the interested parties including local experts, representatives of state institutions and Civil Society Organizations (CSO) and citizens of Georgia.

Currently, ten interviews with local experts, representatives of CSOs and state institutions were conducted. In addition, two focus group discussions were arranged as with former users of STOP COVID APP, as well as with people who never used the application to understand their experiences, attitudes and trusts toward mobile application. The number of participants for each focus group amounted to eight people, out of which 60% were women. The table below summarizes information about the organizations and experts covered through the interviews and participants of focus group discussions.

As part of quantitative survey, 250 respondents surveyed via online questionnaires. Based on the characteristics of our target audience, the survey was conducted for both sexes aged 18 to 64. It was conducted throughout Georgia, where 75% of respondents were from Tbilisi, and the remaining 25% from different regions of Georgia (Kakheti, Racha-Lechkhumi, Kvemo Svaneti, Samegrelo-Zemo Svaneti, Samtskhe-Javakheti, Kvemo Kartli, Imereti, Guria, Adjara) population.

Methodology

Interviews

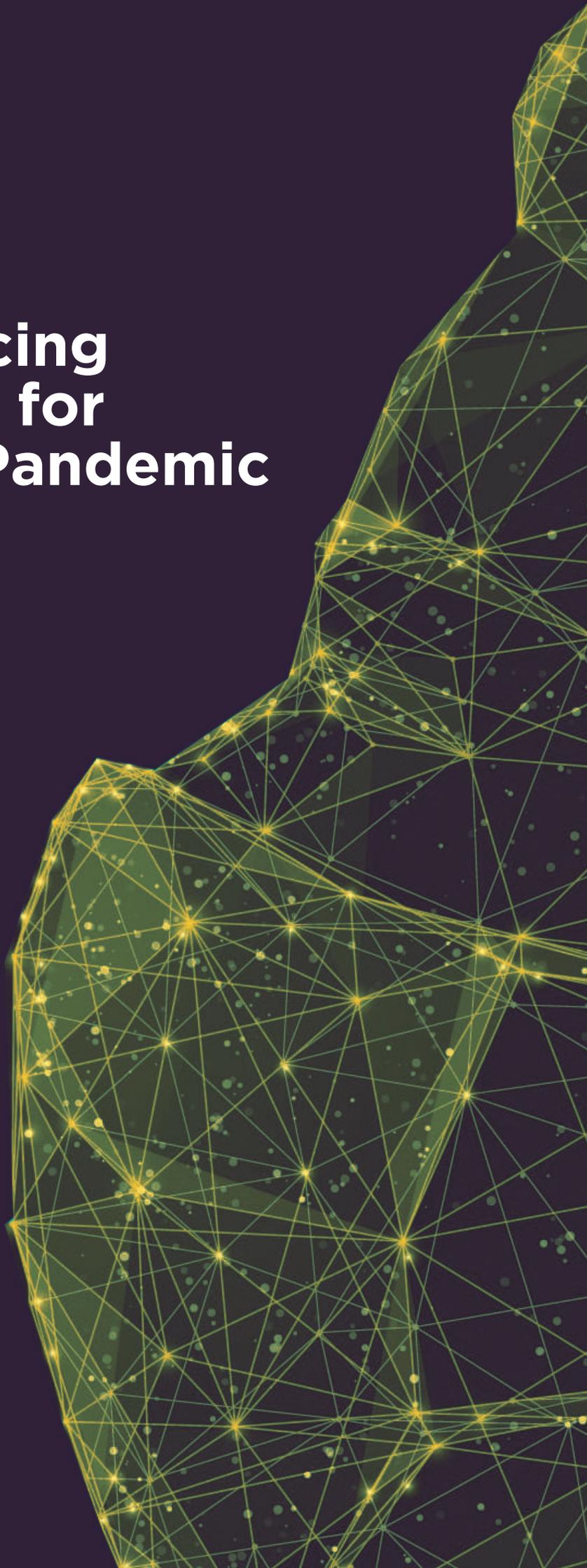
- The Humans Rights Education and Monitoring Center (EMC)-local CSO working on the issues of democracy and human rights
- Georgia Young Lawyers Association (GYLA)-local CSO working on the issues related to the democracy and protection of human rights
- Institute for Development of Freedom of Information (IDFI) specialized in promoting open and democratic governance.
- Representative of the Public Defender's Office of Georgia.
- Representative of Ministry of Internally Displaced Persons from Occupied Territories, Labor, Health and Social Protection of Georgia (MoLSHA).
- Representatives of State Inspector's Service (SIS)
- Local Expert in healthcare issues
- Representative of opposition political party Movement for Liberty – European Georgia

Focus Group Discussions

- Focus group discussion of former users of STOP COVID APP- 8 participants of age between 18-50, out of which 60% women
- Focus group discussion of citizens who never used STOP COVID APP- 8 participants of age between 18-50, out of which 60% women

Digital Contact-Tracing Applications for Combating Pandemic

3



Digital Contact-Tracing Applications for Combating Pandemic

Since the breakout of Covid19 pandemic, the countries across the globe apply various measures for prevention the infection spread, starting from limiting social interactions, protecting hygienic norms and ending with tracing the incidence of disease and identifying contacts who had interactions with infected patients.

The timely identification of infected patients and rapid isolation of them and their contacts is one of the effective responsive measures to avoid the widespread of infection. In addition to the field tracing methods, the countries across the globe also applied the digital tools for identification of individuals who have contact with patients diagnosed with Covid19 and timely isolate them to avoid further spread of infection.

Digital applications were widely applied in different countries in combating with Covid19 pandemic. Compared the traditional methods of tracing contacts in the field, digital APPs allow broader coverage and automated systems notifying users about risks of infection and reporting healthcare institutions about potential contacts of infected patients. Hence, the digital tracing APPs can save time and costs for state and can bring valuable contribution for preventing spread of infection.

China and Singapore were among the pioneer countries that deployed digital APP for tracing incidence of Covid19 cases and related contacts. Singapore introduced new APP "Trace Together" in March 2020 as a mean to identify incidence of disease and close contacts that fall under risk to be infected by virus. Initially, the adoption of digital tracing APP was voluntary and citizens were given freedom of choice to voluntarily download and use the application. However, the voluntary option did not lead to desired coverage and after one month of its introduction over 20% of population became users of the APP⁴ and this number has increased up to 60% by the December of the same year. Furthermore, the

country introduced electronic token for non-smartphone users to trace their contacts as well. In order to increase coverage of APP in December 2020 Singapore made compulsory to check in with Trace Together APP in public places, which also increased the adoption rate of the APP⁵. The digital tracing tools were also adopted in European countries and currently, majority of EU member states deploy digital APPs for investigating contacts⁶. Austria, German and Switzerland were among the first countries in Europe deploying digital APPs for tracing the spread of infection and later the other European countries also introduced digital tools for tracing contacts of infected people.⁷ The digital tools also were applied by some of Eastern Partnership Countries (EaP) to better monitor spread of virus. Georgia and Azerbaijan introduced digital contact-tracing APPs for investigating contacts of infected people. Ukraine introduced digital APP "Act at Home" that monitor citizens' compliance with the self-isolation rules. By the end of 2020, over 70 countries in the world deploy the digital tracing tools for controlling the disease spread.⁸ Although, in theory the digital APPs appear to be cost-efficient way for tracing contact, in reality its effectiveness completely depends on the deployment rate of application. The effectiveness of the digital tracing APPs directly is linked about number of users. According to researchers from the University of Oxford, for the achievement of ideal contract-tracing and sufficient control of the disease through the APP, it is required 56% of population to download and use the application⁹. Currently, according to the data provided on Global Pandemic APP Watch, average uptake of digital APPs amounts to 20%, and it differs by country¹⁰.

4. Source: <https://support.tracetgether.gov.sg/hc/en-sg/articles/360046475654-20-April-2020-One-Month-On>

5. Source: <https://www.straitstimes.com/singapore/checking-in-with-tracetgether-to-be-compulsory-at-public-venues-by-december>

6. Source: https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/travel-during-coronavirus-pandemic/mobile-contact-tracing-apps-eu-member-states_en

7. Source: Amann J, Sleight J, Vayena E (2021) Digital contact-tracing during the Covid-19 pandemic: An analysis of newspaper coverage in Germany, Austria, and Switzerland. PLoS ONE 16(2): e0246524. Available at: <https://doi.org/10.1371/journal.pone.0246524>

8. Source: Global Pandemic APP Watch, available at: <https://craiedl.ca/gpaw/>

9. Source: O'Callaghan, M.E., Buckley, J., Fitzgerald, B. et al. A national survey of attitudes to COVID-19 digital contact tracing in the Republic of Ireland. Ir J Med Sci (2020), available at: <https://doi.org/10.1007/s11845-020-02389-y>

10. Source: Global Pandemic APP Watch, available at: <https://craiedl.ca/gpaw/>

Digital Contact-Tracing Applications for Combating Pandemic

Graph 4.

(1) Level of awareness about the application



Source: Global Pandemic APP Watch¹¹

Currently, Qatar has the highest adoption rate of digital tracing APPs (91%), as country made mandatory for citizens to use application for tracing their contacts. However, in majority of countries introduced digital contact-tracing APPs on voluntary basis. The highest voluntary uptake rate of the APP was indicated in Bahrain, where 60% of population became application users, followed by New Zealand (42%), Finland (40%), Iceland (38%), Switzerland (33%) and UK (30%).

Together with potential benefits associated with the application of digital tracing tools for improving contact-tracing mechanisms and acquire better control over infection spread, additional concerns were raised in terms of protection of privacy and personnel data of application users. The anonymity, usage of personnel information for other purpose, data security and privacy protection were among the frequently mentioned concerns related to the deployment of digital APPs for managing Covid19 spread.

The security of this types of application has been studied by Guardsquare which is the global reference in the mobile application protection which is based in Belgium and USA.

The study was conducted in June 2020. According to the results, the majority of COVID-19 contact tracing app lack of security and does not provide sufficient protection of their code and their users' data. GPS data is a particularly concerning type to collect, especially if the app is not well-secured. Additionally, several of the apps using GPS tracking also require users to share sensitive information on their personal details like passport number, phone number, device ID and more. This information is collected from all over the world. Although, since it is difficult to evaluate the situation in Europe as the study does not provider separate information on European States, the study results provide sufficient evidence of emphasizing the personnel data protection issues related to the adoption of Covid19 digital tracking tools.¹²

The protection of privacy largely depends on the application design, in particular, the type of data collected, the data storage mechanisms and encryption of information to ensure anonymity. In addition, the local regulation on personnel data protection also has an impact in securing privacy and protect citizens' rights. Amnesty International's Security Lab performed the study of existing Covid19 tracing

11. Note: The data shows the uptake rate by the end of 2020 year

12. Source: Grant Goodes - Chief Scientist. NEW REPORT: Security still a major concern for many COVID-19 contact tracing apps. December 8, 2020 <https://www.guardsquare.com/blog/new-report-security-still-major-concern-many-covid-19-contact-tracing-apps>

Digital Contact-Tracing Applications for Combating Pandemic

APPs in order to evaluate the extent to which the proposed digital tools endanger privacy of its users. Based on the results, the existing APPs are divided into three groups¹³:

- APPs based on voluntary reporting a data-the APPs belonging to this group does not perform digital tracing, instead they enable citizens to report their symptoms on voluntary basis. As an example, Lebanon and Vietnam apply the application with such design
- APPs applying Bluetooth technology in contract tracing and enabling decentralized storage of data-the Germany, Switzerland, Austria and Ireland are examples of countries deploying of digital tracing APPs with the similar design. Such application applies Bluetooth technologies to trace exposure with infected persons and reveal potential contact that fall under risk of infection. Furthermore, the data collected by APP is stored in the users' phone and is not accumulated in central database. Therefore, such type of APPs was recognized as least dangerous for a privacy of citizens.
- APPs with centralized data storage system- such APPs collect data using Bluetooth and/or GPS technologies and upload them in central database. Such APPs were recognizing as most dangerous in terms of privacy and personnel data protection by Amnesty International.

The centrally managed contact-tracing APPs were largely criticized by over 300 security and privacy academics from 26 countries, therefore the EU countries (Germany, UK, Hungary, Slovenia, Malta, France) that initially started to develop central-based contact tracing APPs decided to switch to the decentralized data storage model¹⁴, with the exception of France that maintained semi-centralized design, while Norway suspended roll out of APP after receiving warning from Amnesty International about security and privacy related concerns.¹⁵ According to the Global Pandemic APP Watch, by the end of 2020 year, there were 33 countries that deploy contact-tracing APPs with centralized data storage system.¹⁶

13. Source: Amnesty International, available at: <https://www.amnesty.org/en/latest/news/2020/06/bahrain-kuwait-norway-contact-tracing-apps-danger-for-privacy/>

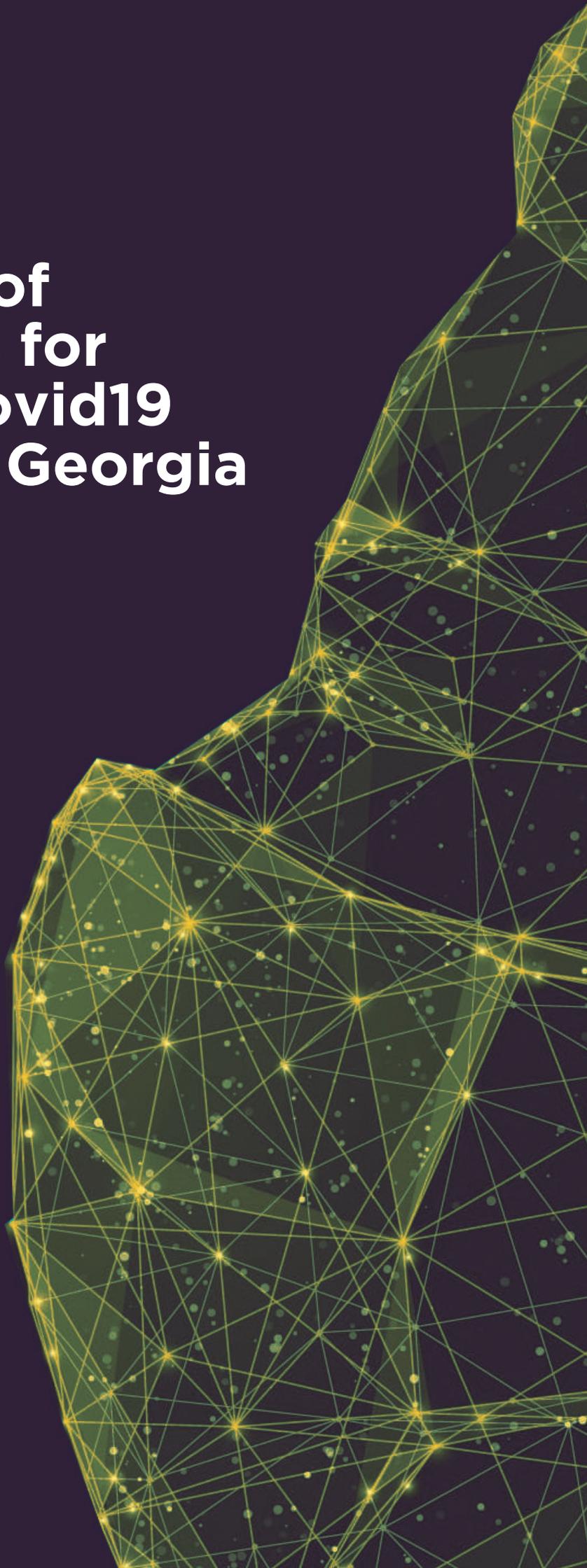
14. Source: Digital Solutions to Fight Covid19, 2020 Data Protection Report, available at: <https://rm.coe.int/prems-120820-gbr-2051-digital-solutions-to-fight-covid-19-text-a4-web-/16809fe49c>

15. Source: Amnesty International, available at: <https://www.amnesty.org/en/latest/news/2020/06/bahrain-kuwait-norway-contact-tracing-apps-danger-for-privacy/>

16. Source: Global Pandemic APP Watch, available at: <https://craiedl.ca/gpaw/>

Application of Digital Tools for Managing Covid19 Pandemic in Georgia

4



Application of Digital Tools for Managing Covid19 Pandemic in Georgia

After receiving the alert about the identification of new strain of virus in China, Government of Georgia (GoG) started to apply mitigation measures for avoiding infection spread in the country. At the initial stage, government strengthened the control over international passengers' flow at the border, was developed protocols for surveillance and management of Covid19, conducted training and preparation of medical personnel, prepared healthcare infrastructure and quarantine zones.

On February 26, 2020, the first case of virus infection was registered in Georgia and later the number of confirmed cases were increasing gradually. In order to prevent uncontrolled expansion of disease in the country, on March 21 a state of emergency was declared throughout Georgia, which was approved by Parliament of Georgia compliant with the rules and procedures determined under constitution. During state of emergency, some of the basic human rights were suspended to avoid social interaction and thus, mitigate widespread of infection across the country. In particular, at the initial stage the education process was suspended in the country, some of the municipalities with highest rate of incidence cases were declared as quarantine zones, suspended intercity transport flows in four largely populated cities of the country and stopped the municipal transport. The restrictions imposed by government were becoming stricter with the growth of confirmed cases of infection and at the end a strict "lockdown" was announced and a curfew were introduced, which should have restricted the mobility of the population. The state of emergency situation was lasted for three months and restrictions were gradually lifted at the end of May 2020 and most of the restrictions were removed until the end of November.

In addition, to ensure the availability of information on epidemic situations and related decisions, measures and restrictions, GoG developed unified platform-STOPCOV.GE, where all the information about Covid19 situation was published and available for all interested parties.

The process of managing the corona virus spreading, can be divided into four stage – from the very beginning period, when no cases of the virus were reported, then strict regulations and restrictions, after that, the period when restrictions were mitigated and the final stage when new restrictions and regulations were imposed after election.

Table 3.

Four stages of the Covid19 management in Georgia¹⁷

1 step

- First cases were registered on 26 February
- The Georgia have banned flights to and from Iran and China
- Georgian nationals returning from abroad were subject to a 14-day mandatory quarantine

2 step

- On March 21, Georgian President Salome Zourabichvili declared a nationwide state of emergency
- The government was empowered to restrict private ownership rights for quarantine, self-isolation or other medical purposes.
- A curfew was imposed and mobility was prohibited
- From April 14 four largest facilities were closed
- STOP COVID application was introduced
- on 23 May Georgian Parliament rushed through controversial amendments to the Law on Public Health granting the Government temporary emergency

3 step

- From 15 July to 28 November restrictions were mitigated
- Flights have been partially resumed.
- Resorts were opened
- The curfew was removed
- For pre-election period, political parties were allowed to communicate closely with the population.

4 step

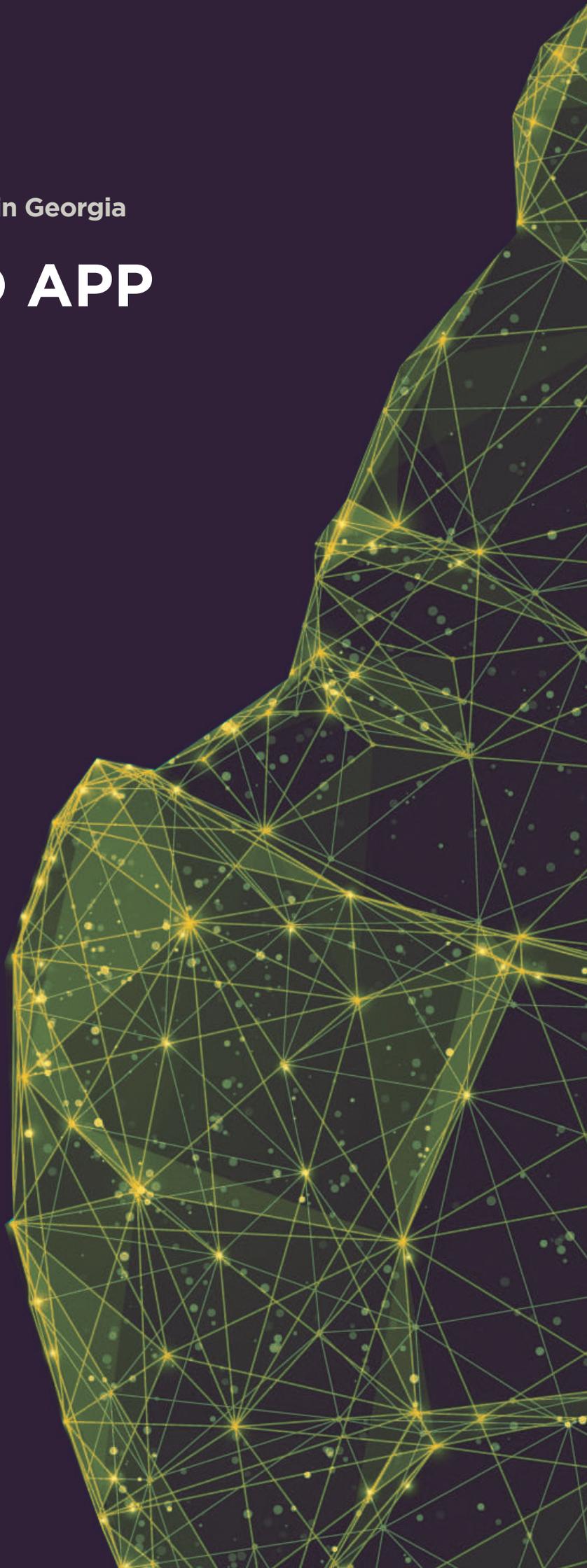
- From 28 November new restrictions and regulations were imposed.
- A country-wide night-time curfew from 21:00 to 05:00
- Closed restaurants and other food facilities, except for takeaway, delivery, and drive-in services
- Throughout the 2-months period, no restrictions will apply to the work of banking finance institutions, beauty salons, all types of industries and construction activities, taxi services, or private transportation,

17. All above information source is link https://civil.ge/archive?_sf_s=covid&post_date=01022020%2B

Application of Digital Tools
for Managing Covid19 Pandemic in Georgia

STOP COVID APP in Georgia

4.1



Application of Digital Tools for Managing Covid19 Pandemic in Georgia

In addition to the traditional measures applied for surveillance of virus spread, GoG introduced digital APP with the aim to simplify investigation of contacts and get better control over epidemic situation in the country. Application named as “Stop Covid”, was introduced in April 2020. The application was introduced through the Technology Department of the Ministry of Health. The information about the availability of application was published on official webpage-STOPCOV.GE, and was available as for Android as well as for IOS users.

The application was developed the Austrian NGO NOVID20, in cooperation with the Austrian software company Dolphin Technologies¹⁸. The application replicated the technology of French APP of the same name, with the slight differences. Georgian APP applied the Bluetooth and GPS technologies for investigating contacts who had exposure with Covid19 infected person. The application did not require user registration and did not request provision of personnel information. The application design provided several security tools to ensure privacy of users' data, in particular, for each user unique ID was created and strong encryption mechanism was used to ensure anonymity of data. The application was based on decentralized data storage mechanism, all information acquired by APP was stored in user's phone enabling customers to have control over any information and decide what type of information to share via APP. In particular, users could voluntarily report if they were infected by Covid19 and share the locations where he had been recently in the event of a virus confirmation.¹⁹

Considering the STOPCOVID APP's design and protocol applied for data collection, processing and storage, it can be assigned to the group of APPs which have lower risks in terms of privacy and personal data protection. However, the uptake rate of the STOPCOVID APP was very low in Georgia. According to information provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia (MoLSHA), the application was downloaded by 295,991 users, which represent 8% of total population of the country. However, detailed statistics about the number

of users who deactivated APPs is not available in official databases. According to the information provided by MoLSHA, the application recorded a total of 11,437 possible cases however this does not mean that these cases were detected by the app, this data indicates how many people have detected its infection voluntarily in the APP. Currently the application is no longer valid due to low adoption rate, Also, the state considered it unreasonable to pay the next six months for using the application

Currently, Georgia has national Law on personal data protection providing legal foundation for securing human rights and freedoms, including the right to privacy, in the course of personal data processing. The law prohibits processing of special category data containing personnel information (e.g. political attitudes, private lives, etc), unless the data is necessary to be processed for public health protection, health care or protection of health of a natural person by an institution (employee), and if it is necessary to manage or operate the health care system. (article 6. 2(c)).²⁰

As for compatibility of the Law of Personal Data Protection between Georgia and EU, currently, the two main strands of the data protection legal framework in the EU are ePrivacy Directive (Directive on Privacy and Electronic communications (Directive 2002/58/EC)),²¹ and the General Data Protection Regulation. According to the EU General Protection Regulation, the collection of personal data is allowed only under strict conditions and for legitimate purpose, a State Inspectors Office confirmed that Georgian application were compliant with the principles and

18. Source: https://stopcov.ge/en/News/Article/Georgian_StopCovid_App_becomes_hugely_popular_on_the_French_AppStore_1588627610

19. Source: https://stopcov.ge/ka/News/Article/khshirad_dasmuli_kitkhvebi_aplikatsia_STOP_COVID-tan_dakavshirebit?fbclid=IwAR3zjhRF_LGMfyahSxTkuKDtRIdJ0lGedW-j_xGp6C8Avoie7XeFmzmvDJo

20. Source: <https://matsne.gov.ge/ka/document/view/1561437?publication=22>

21. The source: Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications, available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32002L0058>

Application of Digital Tools for Managing Covid19 Pandemic in Georgia

requirements defined under National and EU regulations on personal data protections.

The STOPCOVID APP did not show any signs of critical non-compliance with the protection of users' privacy and personnel information. The Scanning of application's features revealed 3 medium and 5 low risk risks related to personal data protection. Also, according to the estimations of the representative of Public Defender's office of Georgia the personal data used by application was in compliance with the requirements of both Georgian and EU legislations. Furthermore, the feedback from former users of the APP revealed that most of the consumers of APP consider it as trustworthy and did not face significant risks regarding the breaching privacy rights and violation of security of personnel information. During the implementation of the application, the Ministry of Health conducted consultations with the State Inspector Service. It should be noted that the Ministry of Health already has access to a special category of personal data and the fact of information leakage has never been confirmed before. However, although the application

design provided sufficient measures to safeguard users' personal data, many people refrained to download APP as they did not have information about its potential benefits and usefulness in combating pandemic.

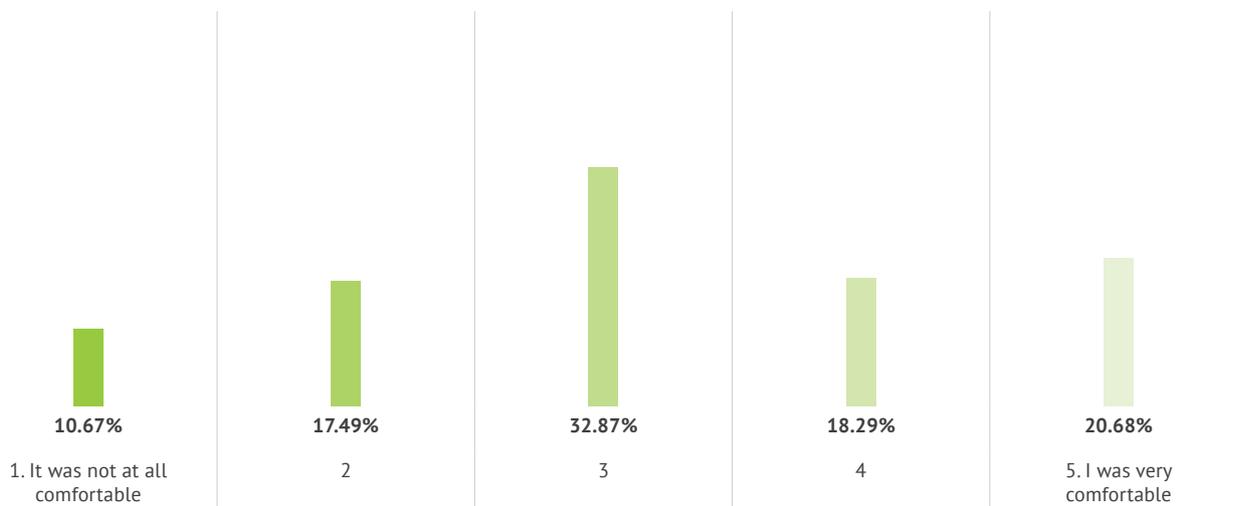
The research revealed that the lack of information and weak communication activities was main cause of low popularity of STOPCOVID APP among Georgian citizens. During the focus group discussions and interviews it was revealed that there was no active information campaign conducted to introduce the APP features to citizens and facilitate increase of APP users, which was directly linked to the effectiveness of its operation. The concern regarding privacy and personal data protection was rarely mentioned by respondents. This can be explained by fact that most of them were not the APP users and did not have information about the APP features.

Those who had experience of using STOPCOVID APP, mentioned that the application was not user-friendly and in order to be operational it required activation of internet, Bluetooth or GPS option, which also raised concerns related

Graph 1.

Evaluating the Comfortability and Convenience of STOPCOVID APP

How comfortable/easy was it to use the app?



Application of Digital Tools for Managing Covid19 Pandemic in Georgia

to battery drain. Furthermore, the APP did not provide any feedback to users after sharing their mobility data, which created impression that APP did not work properly.

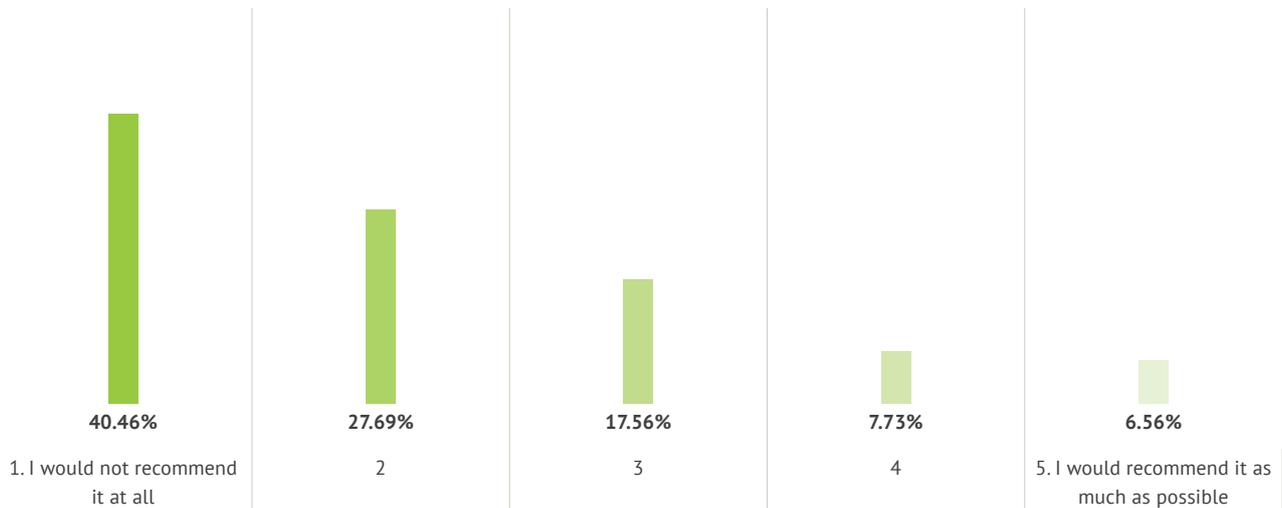
However, according to quantitative survey, around 33% of the respondents who have experience of using STOPCOVID APP gave application neutral score in terms of comfortability, while around 39% of respondents assessed APP as comfortable of very comfortable. However, 68% of surveyed respondents indicated that they would not recommend the APP. The feedback from the former users of APP allows us to conclude that the application itself was not inconvenient for the users and main reason of not recommending the APP to others is that they did not see the clear benefits and results of using STOPCOVID app for detecting the infection spread.

In conclusion, although the technical design of Covid 19 tracing APP provided sufficient guarantees for privacy and protection of personnel data, it was not properly communicated with the citizens, which resulted in lower deployment rate and inefficient operation of APP. The consultations with stakeholders did not reveal any concern related to the privacy protection, as most of the citizens of Georgia were simply not aware of availability of the new contact-tracing tools. However, the APP could be useful and could bring significant contribution during contact investigation, particularly in the period when number of confirmed cases exceeded 2000-s in Georgia, but failure in the implementation process lead to the inefficient operation of APP and as a result GoG decided to suspend roll out of digital tracing APP in the country.

Graph 2.

The users' feedback on STOPCOVID APP

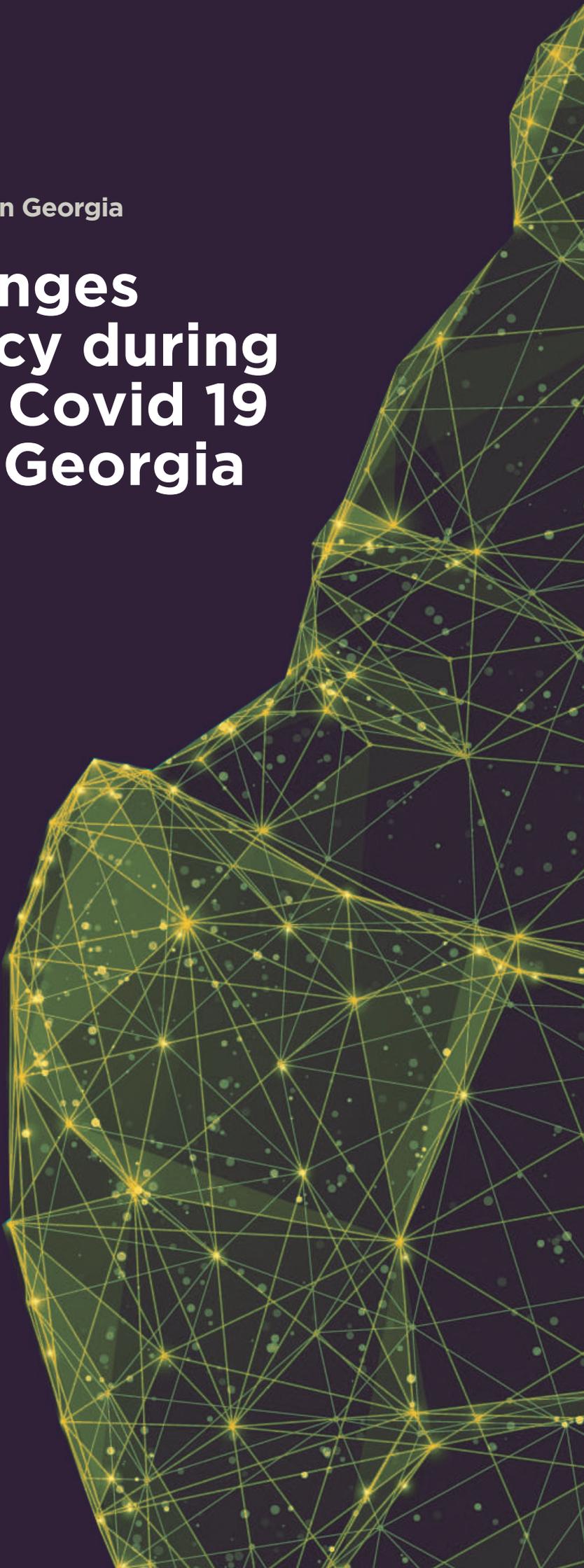
How much would you recommend the app?



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Other Challenges for Democracy during Managing of Covid 19 Pandemic in Georgia

4.2



Application of Digital Tools for Managing Covid19 Pandemic in Georgia

Although, the introduction of digital APPs did not cause any significant risks violating principles of democracy and protection of human rights, there were other challenges during managing of epidemic situation in Georgia, which according of the experts' opinion is considered as a threat for the democracy principles.

The main criticism is related by the amendments in the Law of Georgia on Public Health, granting rights to Government of Georgia to impose restrictions during epidemic situations without announcing state of emergency and without approval of Parliament of Georgia. The Constitution of Georgia is a fundamental legal document defining main principles for protecting human rights and freedom. However, there are cases defined under the Constitution allowing government of suspend some rights of human freedoms under certain circumstances. The provision of Article 71 (2) of Constitution of Georgia defines the following: „In cases of mass unrest, the violation of the country's territorial integrity, a military coup, armed insurrection, a terrorist act, natural or technogenic disasters or epidemics, or any other situation in which state bodies lack the capacity to fulfil their constitutional duties normally, the President of Georgia shall, upon recommendation by the Prime Minister, declare a state of emergency across the entire territory of the country or in any part of it, and shall immediately present this decision to Parliament for approval“²²

According to the Constitution during the state of emergency, the government is entitled to restrict following rights based on decrees issued by President of Georgia: Human Liberty (Article 13), Freedom of movement (Article14), Rights to personal and family privacy, personal space and privacy of communication (Article15), Rights to freedom of opinion, information, mass media and the internet (Article17), Rights to fair administrative proceedings, access to public information, informational self-determination, and compensation for damage inflicted by public authority (Article18), Right to property (Article 19), Freedom of assembly (article 21) and Freedom of labor, freedom of trade unions, right to strike and freedom of enterprise (Article 26), of the Constitution across the entire territory of Georgia or in any part of it.

In accordance with this article, in 2020 21 March, President of Georgia Salome Zourabichvili upon approval of Parliament of Georgia declared a nationwide state of emergency effective²³ until April 21 to reduce any expected threat to

Graph 3.

The Restrictions and Basic Rights that have been Suspended during Pandemic by Government Regulations



22. Source: <https://matsne.gov.ge/en/document/view/30346?publication=36>

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the life and health of the population of the country. During a state of emergency some rights of freedom were restricted by the decree issued by President of Georgia.

All the restrictions imposed during the state of emergency announced during the first wave of epidemic spread, were in full compliance with the constitution, especially since these restrictions were temporary and the public knew how long they would have to stay in such conditions. In addition, the state of emergency has a high degree of legitimacy, as it is based on the Constitution and is attended by representatives of all state branches.

However, after the end of the state of emergency, on May 22, the Georgian Parliament rushed through controversial amendments to the Law on Public Health²⁴ granting the Government to impose temporary restriction without declaring state of emergency situation. These amendments were evaluated by experts as a potential threat for democracy and restriction of Parliament's right to perform supervision. As in cases of state of emergency, responsibilities are shared between different branches of the state, while after amending the law on Public Health, all responsibility of imposing restrictions and suspending basic principles of human freedom was transferred to the executive branches of government.

Measures defined by a normative act adopted in accordance with this Law, which are temporarily used to protect the health of the population during a pandemic and/or an epidemic especially dangerous for public health, and may include regulations other than those established by other normative acts of Georgia, including temporary imposition of relevant restrictions. The parliament handed over their fundamental rights to the government and gave them the right to write laws. The new law did not set specific limits and purposes, only the government set the agenda for everyone. Their powers were equated with the powers of Parliament. Transferring all responsibility to the government reduces the quality of legitimacy and credibility of the regulations. Therefore, this changes in the law was evaluated as violation of democracy principles and is perceived to be main challenges for democracy in the country.

The changes to the health care law were inaccurate from the outset and that several amendments had been made at the ombudsman's request, but the court had not taken all the remarks into account.

- The court did not consider issues such as the right to appeal quarantine restrictions, which should have been set for a citizen within 72 hours. While a citizen has the right to appeal, this is not effective because the right to a restricted entity should be able to respond immediately. Which is one of the problematic parts of this law.

The amendments to the law had a significant problem in terms of public trust and legitimacy, because at that time there was an opinion in the society that the state made these decisions and restrictions not for better managing the epidemiological situation, but to achieve its own political goals.

- There was a feeling among the population that the state would use a specific restriction for its own purposes. Especially considering that these restrictions coincided with the election period. However, the decision on imposing or lifting restrictions was made only by the government, and Parliament could not participate in the process.

Except for the legal changes mentioned above, there were some basic principles of human rights violated during the state of emergency situations. However, this is mainly caused by the poor management and lack of experience of controlling disease spread of such scope. At the initial stage of virus spread, GoG applied rapid response measures by imposing various type of restriction to avoid frequent social interactions. However, the consequences of such measures on special group of people were not considered fully, which increased risks to the breaching main rights of different social groups. As an example, the Presidential Decree according to which trials were moved to online moderation, did not provide provision for ensuring the rights of persons with disabilities (PwDs), sight and hearing impairments. Because of these limitations, it can be argued that the principles of a fair trial were not fully taken into account. Also, the online moderation of trials did not provide sufficient ground to ensure privacy and confidentiality of prisoners, as remotely, it was almost impossible to protect confidentiality of meeting between a lawyer and a client. Furthermore, the other problems were raised, which was not taken into account when deciding to switch trials into the online mode.

23. Source: <https://matsne.gov.ge/en/document/view/33472?publication=7>

24. Source: <https://matsne.gov.ge/ka/document/view/4876537?publication=0>

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- The NGOs had a problem with monitoring the trials in the publicity component of the trials, because in many cases the judges did not allow them to attend the trials.
- Witnesses often had to testify from the police building. There was suspicion and a feeling that the witness would be pressured to testify.

In addition, there were questions about the work of the government, they had a problem with transparency, as media representatives did not attend government meetings. Decisions were made by ministers in closed meetings. So, the restrictions adopted by the government became known to the population only after approval. The main problem here was the fact that the decision was made not by the parliament but only by the representatives of the executive branch, which gave them unlimited power.

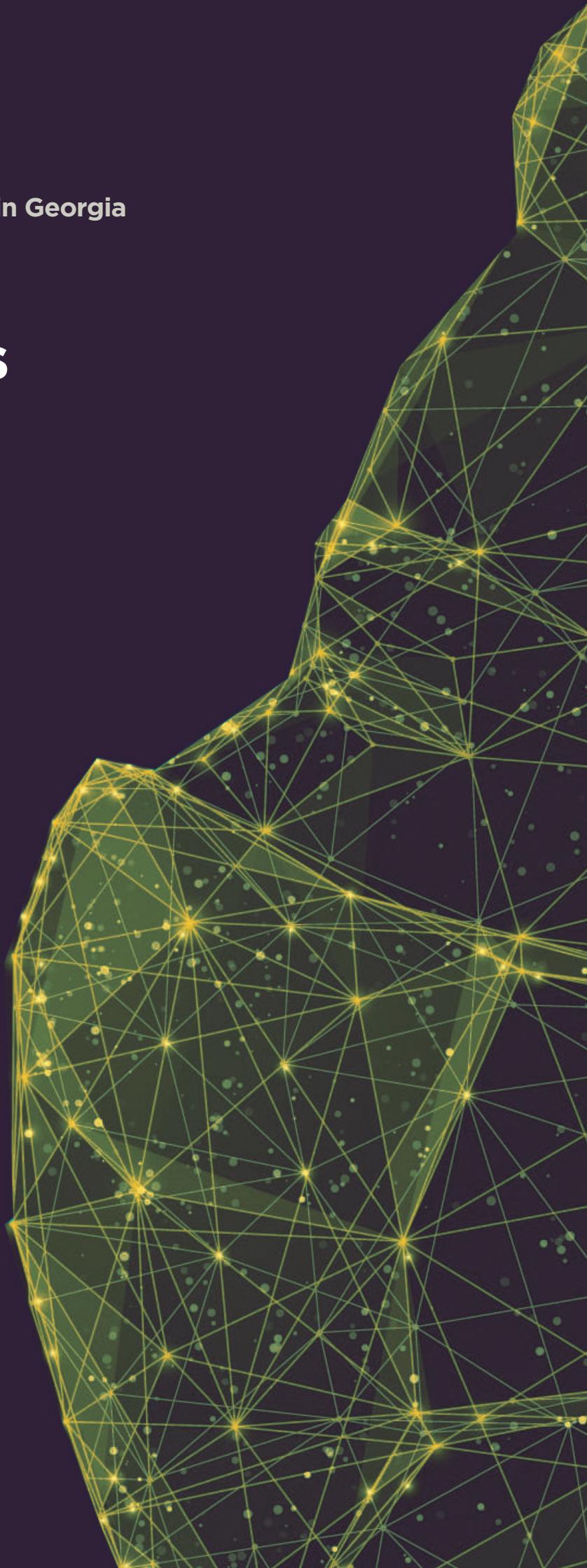
Therefore, the restrictions imposed by the government at various stages was imposed without ensuring transparency and created perceptions that most of the decision made by government after second wave of virus spread were made to achieve their political goals instead of dealing with the threats related to the infection spread.

From all the above it can be said that, government agencies were not ready to modernize the processes so quickly. As in the rest of the world, it was difficult to adapt quickly to the pandemic situation in Georgia, which led to various types of human rights problems. There were many inaccuracies in the management of the processes that ultimately threatened democracy, but it is difficult to say with certainty, whether the existing issues were not deliberately taken into consideration by the government or they simply could not manage all the processes at once.

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Quantitative data analysis

4.3



Application of Digital Tools for Managing Covid19 Pandemic in Georgia

This chapter reviews the results of the quantitative survey, which was performed during March 15 - April 10. The survey aimed to assess the level of awareness in population about the application and to study their attitudes towards the application, as well as state institution, in order to better understand the interrelationship between them.

An online quantitative survey was conducted as part of the study, in which 250 respondents participated. Based on the specifics of the study, populations of both sexes aged 18 to 65 years were surveyed. The survey was conducted throughout Georgia, although a large part of the respondents was living in Tbilisi.

Interestingly, 82% of respondents knew about the STOP COVID application in Georgia, but only 27.33% downloaded it.

Interviews with experts in the field and focus groups revealed that the reason for the low rate of use of the application may have been distrust of state institutions. To measure this factor, in a quantitative survey, respondents were asked several similar questions, which showed that trust in various state institutions in Georgia is really low. As it turned out, the level of trust in state institutions and the level of satisfaction with the application are correlated, for example, for those who rate the effectiveness of the application with the highest 4 and 5 points, the level of trust in state institutions is correspondingly high. Also interesting is the connection

Graph 4.

(1) Level of awareness about the application

Do you know about STOP COVID app?



(2) Application Adoption Rate

Have you downloaded STOP COVID app?

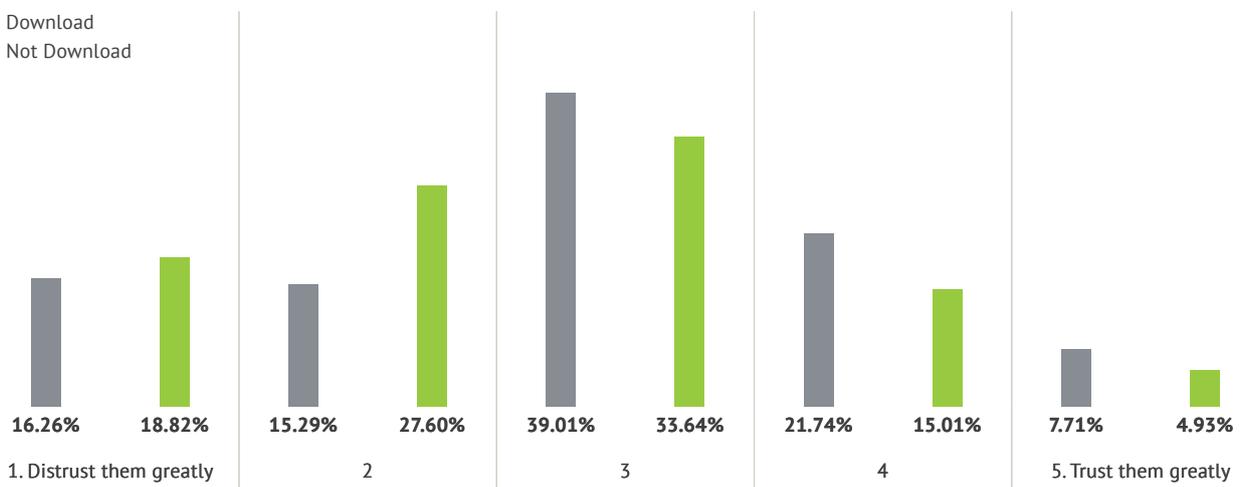


between trust in state institutions and downloading the app. Although the correlation rate between the variables is not radically high, it is observed that the people who downloaded the app are more likely to trust state institutions.

Graph 5.

Trust in state institutions and application download rate

● Download
● Not Download



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Also in the survey, respondents were asked how much they trusted the State Inspector Service. On a 5-point scale, high scores of 4 and 5 were scored by only 15.13% of respondents, which indicates a low degree of trust in this institution. The relationship between trust in the Personal Data Protection Service and the download rate of the application was found to be important. It has been found that in people who are very trusting in the personal data protection service, the download rate of the application is higher. Thus, it was revealed that the public's attitude towards the measures taken by the government is influenced by the existing trust in government institutions. If a person has a negative attitude towards the state, he is less interested in every initiative and recommendation introduced by the government.

In rural areas, compared to urban residents, trust in the Ministry of Health is higher, the difference is not very high, but it is noticeable.

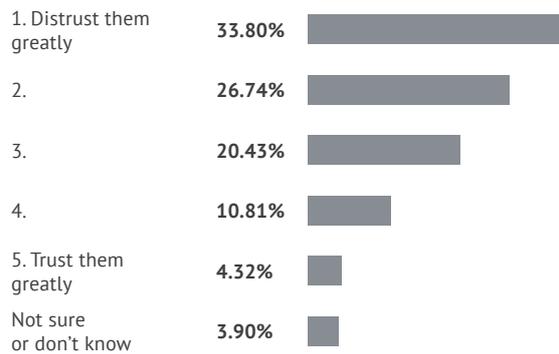
High levels of app awareness are observed in the 18-24 age group (80%), although the download rate among them (16.3%) is much lower than average. The highest download rate is in the 35-44 age group, with 43% of respondents in this age group downloading the app, which can be attributed to the fact that this age group took into account the recommendations issued by the state and the Centers for Disease Control. Among the respondents aged 35 to 44, 62% stated that they maximally followed the recommendations issued by the Centers for Disease Control, while this figure is only 42% in the 18-24 age group. However, the reason for

such distribution of these data may depend on the region of residence of the respondents. A difference was found between urban and rural populations.

Graph 6.

(1) Trust in the State Inspector Service

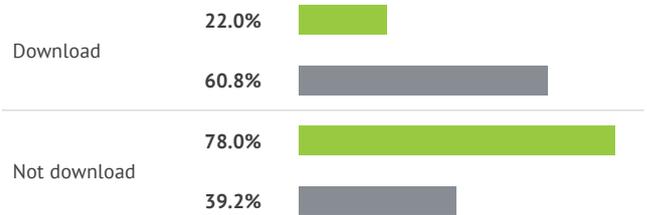
How much do you trust Personal Data Protection Service?



(2) Trust in State Inspector Service

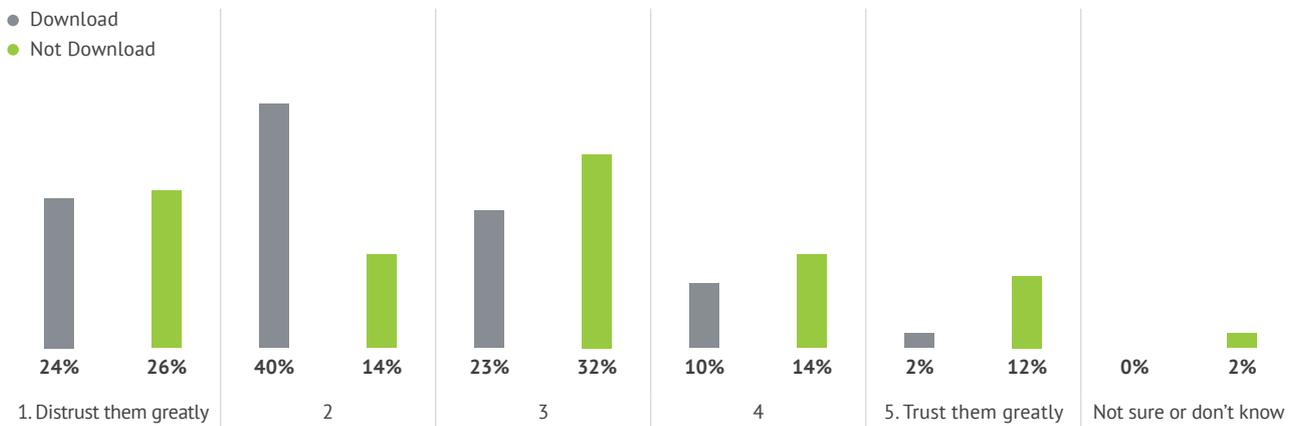
● Distrust them greatly
● Trust them greatly

Trust in State Inspector Service and app download rate



Graph 7.

Graph 6 level of trust toward the Ministry of Health



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The download rate of the application in the rural population is lower than in the urban population. In addition, the level of application awareness in rural areas was 7% lower than in urban areas. For example, 11.5% of respondents living in rural areas have very much trust in state institutions, while in urban areas the figure is 1.51%. As for trust, the same trend is observed in this case, 35% of rural residents rate the trust of state institutions with 4 points, the same rate among urban residents is equal to 14%. This means that the population living in rural areas has higher trust in state institutions, although only a small number of them have downloaded the Stop Covid application.

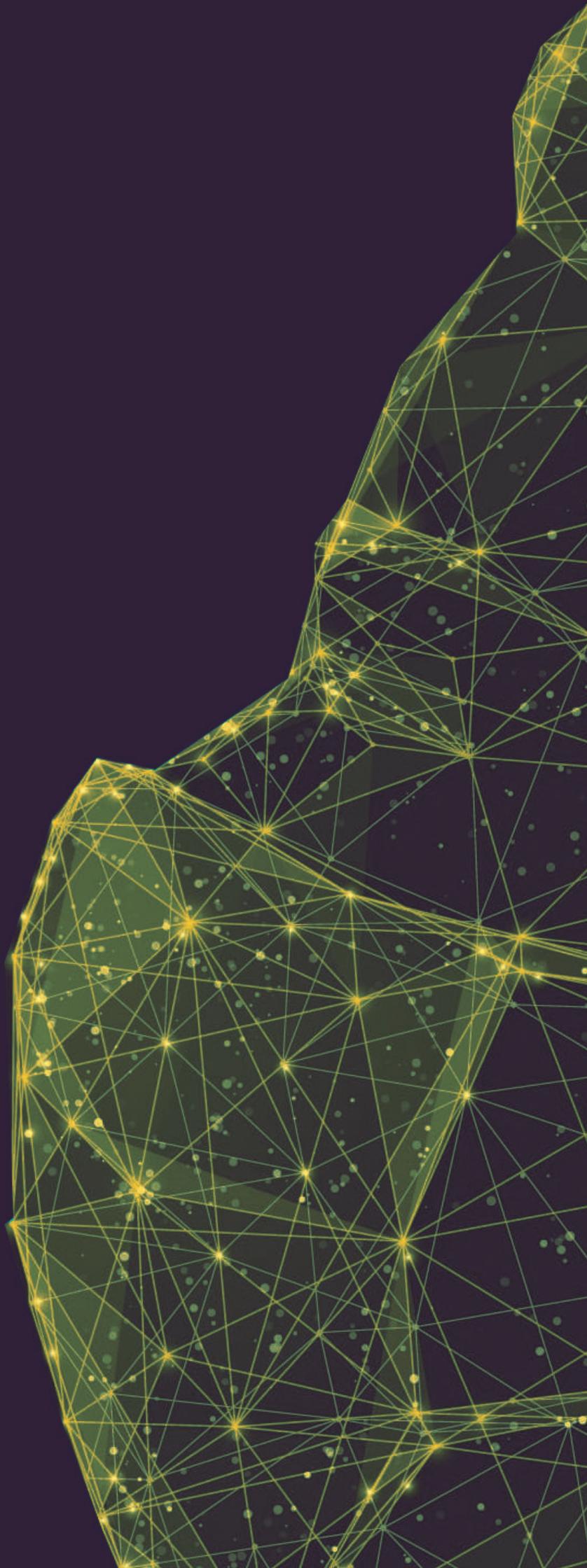
Although trust in public institutions in general was low among respondents, this was not the main reason why the Stop Covid app did not work in Georgia. As part of the survey, respondents were asked an open-ended clarifying question as to why they did not download the app, to which we received several types of answers. Among them, the answer with similar content was repeated most often, that they were not interested and / or did not consider it necessary to use the application. Most of them did not download the app because they were not sure of its effectiveness and benefits. Only a few respondents stated that the reason for not downloading the application was fear of sharing personal data or distrust of the state. Which once again indicates that in the case of closer communication with the public and an active PR campaign (where people would be introduced to the benefits of the app and the mechanism of work), the rate of use of the app would increase more among the population.

Respondents were also asked in what case they downloaded the Stop Covid app, where most of them answered, that they would download the app if necessary. Most respondents did not see the need and necessity of downloading the app, because they believed, that they were receiving similar types of information through the internet and television. These responses showed that although the majority of respondents were aware of the existence of the app, they did not know what type of app it actually was and what benefits it could bring in the event of a Covid pandemic. Consequently, they did not even know what type of personal data the application required to access. In this case, the most important problem was the lack of knowledge of the mechanism and purpose of the application. It is possible that with a higher level of awareness, more people would use the Stop Covid app.

However, it is important to take into account the fact that this online survey was conducted only by people who used social networks and, consequently, had more or less access to electronic equipment/digital technologies. But despite this, as it turned out, some of them could not download the app, because they did not have a phone with the appropriate capacity and function. In the case of villages and regions, the role of this factor would probably be even more important. In face-to-face interviews, experts also noted that the rate of mobile technology use is relatively low in the regions of Georgia. Which was an additional barrier to getting more people to download the app.

Conclusion

5



Conclusion

Considering the information gathered through the research, it can be said that introduction of STOP COVID APP did not bring significant threats and limitations for democracy and protection of human rights. The application design and data management approach was compliant with the personal data protection requirements determines under national and EU regulations.

The design of the APP enabling citizens to voluntary share personal information and decentralized data storage system limited state to apply data for mass-surveillance of the citizens. Therefore, the introduction of digital tracing tools in Georgia to manage dissemination of Covid19 disease did not create significant threat for human rights and democracy. However, due to the lack of communication and awareness raising campaigns, the adoption rate of application was very low in Georgia and therefore, the introduction of digital tracing APP did not reach the intended policy goals.

However, the major challenge for democracy principles was the amendments in the Law on Public Health, restricting Parliament of Georgia to perform its function as a supervision body and granting rights to executive branches of GoG to solely make decisions about restrictions and limitations of basic human rights for managing the epidemic situation in the country. This changes in the law were negatively evaluated by many experts and was considered as main challenge for democracy in the country.

Recommendations

The results of the research indicated that the introduction of digital tracing APP for collecting information on Covid19 spread in Georgia fail to achieve the planned policy goals, due to low adoption rate caused by lack of public communication and level of awareness of citizens about usefulness and importance of APP. As a result, Government of Georgia made decision to suspend operation of APP and currently, the STOP COVID APP is no longer functional. Considering the lessons learned from Georgia's experience, the following recommendations are developed to improve effective application of digital tracing tools for combating pandemic:

- In a developing country like Georgia, before launching such innovative technology collecting personal information and intended for mass consumption, it is important to conduct an active advertising campaign with the citizens to increase their confidence and motivate them to use these products.
- The APPs that collect personal data should be introduced on voluntary basis and allow citizens to decide what information they want to share.
- In order to increase adoption rate and effectiveness of APP it is important to fully inform the population in advance about the safety of the product and the expected risks. Citizens should be provided with reliable and comprehensive information from responsible persons that their personal data will be protected and confidential.
- The difference in accessibility with internet connections and smart phones should be considered, and alternative options for tracing information of those groups who have limited access to the modern technology should be suggested.
- Before the product could be released for consumption, the public had to be provided with information on how to download and use the product through television or other mass media. It was possible to create small video clips explaining the instructions for downloading and using the app.
- The communication should be maintained after introducing the APP in order to achieve desired uptake rate, the users should receive feedback about the infection cases captured by APP and avoided risk of infection spread, which can become motivating factor for other citizens to become application users and take their contribution to preventing the expansion of pandemic.

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