



UNIVERSITY OF TORONTO  
FACULTY OF LAW

# Health Law, Policy and Ethics Seminar Series

## ETHICAL SURVEILLANCE IN VACCINE PASSPORTS

Thursday, March 16, 2023 | 12:30 to 2:00 p.m.

### Presenter:

- **Ignacio Cofone**, Assistant Professor and Canada Research Chair in AI, Law & Data Governance  
Faculty of Law, McGill University

### Commentator:

- **Lisa Austin**, Professor & Chair of Law and Technology, Faculty of Law, and Associate Director  
Schwartz Reisman Institute for Technology & Society, University of Toronto

### Abstract

This presentation will explore the interrelated privacy and equality risks of deploying surveillance technology that were used in COVID-19 vaccine passports. The type of vaccine passport that governments implemented has significant human rights ramifications. This Essay discusses how different vaccine passport designs can curb or exacerbate risks, providing a roadmap to guide policymakers in their app selection to mitigate unintended consequences. Vaccine passports should work on a decentralized system and use the least invasive data possible. Further, vaccine passports should be based solely on government vaccine data, be implemented only in places where vaccines are widely available for free, track location only when they are scanned, and provide a non-digital option. Governments should have clear sunset clauses for the app and the data collected.

### Biography

**Ignacio Cofone** is an Assistant Professor and Canada Research Chair in Artificial Intelligence Law & Data Governance at McGill University's Faculty of Law, where he teaches Privacy Law, Artificial Intelligence Regulation, Advanced Obligations, and Business Associations. Before joining McGill, Professor Cofone was a research fellow at the NYU Information Law Institute, a resident fellow at the Yale Law School Information Society Project, and a legal advisor for the City of Buenos Aires. His research focuses on privacy harms and on algorithmic decision-making to explore how the law should adapt to technological and social change.

**Lisa Austin** is the Chair of Law and Technology and a professor in the University of Toronto's Faculty of Law. Austin is an associate director at the Schwartz Reisman Institute for Technology and Society, and was previously a co-founder of the IT3 Lab at the University of Toronto, which engaged in interdisciplinary research on privacy and transparency. Her research focuses on legal theory as well as law and technology. Austin's extensive privacy work has been cited numerous times by Canadian courts, including the Supreme Court of Canada. In 2017, Austin received a President's Impact Award from the University of Toronto.



## ABOUT THIS SERIES

The Health Law, Policy and Ethics Seminar Series brings guest speakers to the University of Toronto Faculty of Law to stimulate the discussion of issues related to the intersection of law with health care and further ethical and social issues.

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@ [events.law@utoronto.ca](mailto:events.law@utoronto.ca)

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