

A Human Rights Framework for Business Decisions in Response to Public Health Emergencies

The following framework is intended to be used as part of human rights due diligence and guide business decisions related to technology and data use in response to public health emergencies. It is informed by the various elements of international human rights law and relevant regulations, standards and principles.



Does the activity involve limiting rights or can a fully rights-respecting approach be taken?

If limits are needed, are they allowed under the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), or do they require derogation of rights based on emergency powers?



Are the limitations on rights consistent with international human rights principles?

These principles are necessity, proportionality, provided for by law, non-discrimination, and based on science.



Is the activity consistent with the core obligations of the rights to health and science?

These obligations are based on the principles of availability, accessibility, acceptability, and quality.



Does the activity comply with relevant privacy and general data or health data regulations?

Notable examples include the General Data Protection Regulation (GDPR) in the European Union and the Health Insurance Portability and Accountability Act (HIPAA) in the USA.



Will the activity follow other best practices for technology and data use in a public health emergency?

These best practices include transparency, time-bound, consent, voluntary, data minimization, access limitation, fairness, safeguarded from commercial interest, accountability, stakeholder participation, efficacy, non-punitive.



Can the contract include prohibited uses to enable the company to challenge misuse / abuse and terminate the agreement if necessary?

For example, this may include prohibiting the use of data by specified government agencies, or having the ability to report concerns to the World Health Organization (WHO), civil society, or other interested parties.