Ecuador

Concerns for internet users’ privacy emerged during the outbreak of the COVID-19 pandemic. In March 2020, interior minister María Paula Romo announced that Moreno’s state of emergency decree authorized the government to deploy location tracking technology, via satellite and mobile phones, on those who were under “a state of sanitary quarantine and/or compulsory isolation.” A group of civil society organizations immediately voiced concerns about potential privacy violations, particularly given the country’s lack of regulations and an independent authority mandated to protect personal data. The absence of these could make it more difficult to ensure the tracking system is proportional and nondiscriminatory. They also criticized the initiative’s lack of transparency, including around the duration and means of storing and securing the data. Authorities have not disclosed how the data would be processed, how long it would be stored, and the other purposes it could be used for.

Later in the month, the government released the Salud EC App, allowing users to report symptoms of the virus. The digital rights group Usuarios Digitales were troubled by the app’s permission requests, which are unnecessary for its functions. In addition to requiring permissions for GPS location and available Wi-Fi networks, app users must allow access to read, modify, and delete stored content, including multimedia files. Moreover, use of the app is contingent on the user providing their name, year of birth, national identity document, and contact information. Though the terms and conditions’ privacy policy ensures that users’ data will not be sold, shared, or distributed without their consent, this condition of use can change at any time at any point.

In April 2020, the Ministry of Telecommunications (MINTEL) presented its tracking platform, developed through a public-private partnership, which integrates data from mobile phone providers, the national emergency response system ECU911, the ministry’s location tracking of smartphones, and Salud EC. The data analytics this platform provides reportedly enables authorities to track patients that tested positive for COVID-19 and identify those who might have it, whether from being in a large gathering or interacting with someone carrying the virus. The mayor of Quito also threatened to use police to keep people who tested positive in their houses. Though the government claimed personal information would not be disclosed, critics noted that users lacked clear legal protections and warned that the platform could be used in ways that violate users’ privacy.

Later in April, interior minister Romo acknowledged in a television interview the invasiveness of GPS tracking, saying that the authorities were working on an app that would align with the General Data Protection Regulation (GDPR) of the European Union (EU). However, as of June 2020, no further information about the app had been made public.

Prior to the privacy concerns that emerged during the COVID-19 pandemic, Ecuador’s government had a history of surveilling its citizens by means of communications technology. Created in 2009, the National Secretariat of Intelligence (SENAIN) was in charge of producing “strategic SIGINT [signals intelligence] for the integral security of the state, society and democracy.” Most of its budget was allocated to “special expenses for communications and
counterintelligence.”  

106 Leaked documents from former president Correa´s administration exposed compelling evidence that the government engaged in surveillance of a wide range of individuals, including illegal spying on politicians, journalists, and activists.  

In September 2018, President Moreno eliminated SENAIN and created the Strategic Intelligence Center (CIES).  

108 However, the CIES is mandated to operate “within the current constitutional framework, so that during the execution of intelligence activities, strategic intelligence and counterintelligence, only information that contributes to public and state security will be produced.”  

109 Though SENAIN had been shut down, CIES received all its functions, competences, attributions, rights, obligations, resources, and budget.  

110 Ecuador’s intelligence apparatus has access to extensive surveillance capabilities. An April 2019 investigation by the New York Times showed that the national emergency response system known as ECU911 was a central piece of a massive surveillance system under Correa.  

111 The system began to be developed in 2011 by the Chinese state company CEIEC, as well as Huawei. As of April 2019, there were more than 4,000 cameras deployed across the country. These cameras transmit live to the ECU911 headquarters and a direct mirror of the ECU911 cameras is reportedly at CIES offices.  

112 There have also been reports about the application of facial recognition technology in certain places such as airports, and the introduction of a new system to locate and track mobile phones.  

113 The efficacy of the CIES’s surveillance capabilities were put into question in October 2019, when government officials and legislators agreed that the body had failed to provide strategic intelligence to prevent and counteract that month’s civil unrest. CIES had reportedly based their intelligence assessment on disinformation circulated through social media, rather than on actual intelligence work. In response to CIES’s perceived shortcomings, a law was proposed that would require all entities part of the country’s intelligence apparatus to continually share information with CIES.  

114 The law had yet to be passed by the end of the coverage period.