

Subject: Outbreak.info web application

Date: Wednesday, February 12, 2025 at 17:18:56 Eastern Standard Time

From: GISAID Compliance <compliance@gisaid.org>

To: Karthik Gangavarapu <[REDACTED]@scripps.edu>

CC: DCA Processing <dca@gisaid.org>

Note, we never received the original email - we only received this on March 22, 2025

Dear Mr. Gangavarapu,

We write on behalf of Freunde von GISAID e.V. ("GISAID") regarding the agreement you entered into with GISAID related to your web application.

Since May 2008, the GISAID Initiative ensures its data science platform remains optimized to support the work of public health experts and researchers alike. In particular, during public health emergencies, this may entail additional measures of support, for example, when you asked GISAID to provide a custom data package to enable your web application ("Outbreak.info") for *"tracking the prevalence of SARS-CoV-2 variants with lineage and mutation reports, updated daily."*

When you entered into a Data Connectivity Agreement (DCA) with GISAID on 18 October 2021, we agreed to generate for you on a daily basis and at GISAID's own expense, a custom data package to be provided via an application programming interface ("API"), and you agreed that this data package would be *"solely for use in connection with your web application."* In exchange you promised to uphold the terms and conditions of the DCA, and you promised to keep your web application updated daily, especially in light of GISAID – a non-profit organization – committing to use its own resources to generate a daily data package for you.

On 27 January 2025, however, we received a complaint that your web application for tracking lineage and mutations at Outbreak.info had not been updated for the past 37 days, even though you had successfully downloaded your data package during these 37 days. We carefully reviewed the API access logs and were able to rule out that any download errors had occurred. This fact made it difficult to understand why you would have successfully downloaded your data package, e.g., on 10 January 2025, but neglected to update your web application that on that day, given that it had already been outdated by 21 days.

When reviewing preceding months, we noted similar patterns indicating that your data package was downloaded, however, your web application was not updated.

Upon further review, we discovered several lengthy time periods during which there was no attempt made by you to access and download the data package, this despite GISAID's steadfast commitment to generating and making available to you a custom data package on a daily basis. For example, you allowed six weeks to laps between the download on 31 October 2024 and the (next) download on 16 December 2024. A time delta of 46 days.

Based on these discoveries, GISAID had no choice but to immediately stop generating and making available to you via the API your custom data package, and terminate our agreement with you for your failure to adhere to the terms and conditions of the DCA.

According to the terms of the DCA you agreed to, we ask that you *"remove from Your Web Application any items that use data obtained from GISAID and any references to GISAID,"* and that *"any Data obtained from GISAID, is deleted from the computer, and GISAID is informed."* Please confirm with us that you have deleted all data that was provided to you in the custom data package.

For the avoidance of doubt, we remind you that the DCA you agreed to, is subject to GISAID's Database Access Agreement ("DAA"). When you first signed up for GISAID access credentials on 21 January 2020, you agree to be bound by the DAA's terms and conditions. Specifically, you agreed to the License Terms (Section 2b) where you acknowledge and agree that you may not collect, store, reproduce, access, modify, display, distribute, coordinate, arrange, and otherwise use the Data in connection with any other database including, without limitation, by enabling others to access or use the Data through a separate portal or across a network of institutions.

Thank you for your prompt attention to this important matter.

Respectfully,

GISAID Compliance

Freunde von GISAID e.V.

Real-Time Communication in Disease Prevention

