

DATE: April 7, 2020

SUBJECT: Guidance for protecting personal privacy during COVID-19

Many members of the Rutgers community have begun asking questions about coronavirus cases at Rutgers. Even though most Federal and State privacy requirements have not been suspended under COVID-19, some requirements related to sharing data *for clinical purposes* have been eased. Privacy rules related to general communications have not changed. It is important to remember that protecting personal privacy is very important, and we should continue to follow privacy policies, rules, and regulations. Please refer to the guidance below to help you respond to questions that you may receive. Please contact privacy@uec.rutgers.edu for further guidance.

If I am aware of a specific COVID-19 case among my staff members or an employee discloses that they have been in contact with an infected individual, what should I do?

Rutgers has established a current and comprehensive website with information about COVID-19 for employees: <https://coronavirus.rutgers.edu/>. You should refer all employees to it.

If the confirmed COVID-19 case was in a congregate living facility, for example, at the Department of Corrections or in a dormitory, then you should contact Occupational/ Employee Health and Student Health. Currently they are conducting contact tracing for congregate living facilities, which is to interview reported contacts of the confirmed COVID-19 case. However, contact tracing will NOT be conducted in other Rutgers facilities or buildings.

Finally, any employee diagnosed with laboratory-confirmed COVID-19 illness should telephone Occupational/ Employee Health for **return to work clearance** if they were physically working on campus or at a Rutgers facility when they became ill or if they provide direct patient care at a clinical site. Other employees with COVID-19 illness or related absences should follow HR OneSource guidance and do NOT need to contact Occupational/Employee Health prior to returning to work.

Your staff may ask for additional information. In any conversation about a specific case:

- Avoid identifying the infected employee by name.
- Avoid making any direct or indirect references that would lead other employees to guess the identity of the affected individual.
- Remind employees that discrimination or harassment against individuals that are suspected to have tested positive for, or been exposed to, coronavirus is prohibited.

If I am asked whether an employee or student has tested positive for COVID-19, how should I respond?

If your unit has had a confirmed case, you can respond by saying, "I can confirm that an individual has tested positive for COVID-19, but to protect privacy, I cannot tell you the individual's name."

How should I respond to a general inquiry related to someone at Rutgers who may have tested positive for COVID-19?

For general inquiries about whether any individual has been infected, it is appropriate to respond by saying COVID-19 is community-wide and we at Rutgers support and encourage the protective approaches suggested by the New Jersey Department of Health. Please see their website for more information: <https://covid19.nj.gov/index.html>. If it is a specific question about an employee, and you know the employee has confirmed COVID-19, then it is appropriate to respond by saying, "An individual [at Rutgers or in a unit] has tested positive for COVID-19, but to protect privacy, I cannot tell you the name."

My employees are concerned that they might have been in close contact with an individual at Rutgers who might have COVID-19. How should I respond?

COVID-19 is community-wide and we at Rutgers support and encourage the protective approaches suggested by the New Jersey Department of Health. Please see their website for more information: <https://covid19.nj.gov/index.html>. Many people are suspected to have COVID-19 who end up testing negative. If you know that a fellow employee has confirmed COVID-19, then it is appropriate to respond, "An individual was confirmed positive with COVID-19. That individual was physically present in [specify locations] during the last [14 days]. If you are experiencing symptoms or think you may have been in close contact with an infected individual, please contact your primary healthcare provider." As noted above, contact tracing will currently be conducted in congregate living facilities, but NOT in other Rutgers facilities or buildings.