Privacy Guidelines when Discussing Positive COVID-19 Cases in the Workplace

July 8, 2020—University of Arizona Privacy Office Guidance

An employee's medical information, such as a positive COVID-19 medical diagnosis, is sensitive, personal, and must be considered and treated as confidential and private.

We recognize the COVID-19 pandemic and the exceptional circumstances it presents require a careful balance between maintaining a safe workplace and protecting an employee's privacy.

In order to help guide conversations in our workplace around COVID-19 exposure, we have outlined the following "Dos and Don'ts" for discussions regarding an employee's COVID-19 exposure or diagnosis.

Supervisors and Unit Leaders	
DO	**DO NOT**
Supervisors and Unit Leaders: DO share ONLY the information about the positive COVID-19 case as necessary to perform the *Positive Case Notification Protocol* and only when required by the *Protocol*; Do not disclose the affected employee's name or personal information unless required to by the *Protocol*. See EXAMPLE 1 on the next page for an idea of how this conversation might go.	**Supervisors and Unit Leaders: DO NOT** ask about or discuss an employee's positive COVID-19 diagnosis or health condition with staff not under your direct supervision. If there is a is a concern of potential close contact between one of your positive employees and an employee from another area, contact the appropriate supervisor or unit leader to coordinate positive case notifications. See EXAMPLE 2 to see how this conversation should and should not take place.
Supervisors and Unit Leaders: When facilitating *Positive Case Notification Protocol* notifications, **DO** be as discreet as possible about the identity of the individual with a positive diagnosis and request that those receiving notification treat the information as confidential.	**Supervisors and Unit Leaders:** Unless required by the *Positive Case Notification Protocol,* **DO NOT** share information related to an employee's positive COVID-19 diagnosis. **DO NOT** discuss or disclose this information in public places, on a group email, group zoom chats, or in any other open or public forums.
All Employees	
DO	**DO NOT**
All Employees: DO understand that the University will promptly notify employees who have had close contacts with an affected employee.	**All Employees:** If you are aware of another employee's positive case information, **DO NOT** take the notification process into your own hands and **DO NOT** discuss this information with anyone else.
All Employees: DO be understanding of the difficulty your co-workers may be experiencing and DO respect your fellow employee's privacy during these difficult times.	**All Employees: DO NOT** participate in speculative conversation with others about employees' health or the health of their families.
All Employees: DO say something to let people know discussing health information is not appropriate unless there is a "need to know." See EXAMPLE 3 for an idea of how this conversation might go.	**All Employees:** Without permission from the employee or per an official University process, **DO NOT** initiate contact with an employee's health providers, family, friends, or access an employee's file / record, to verify whether they were tested or have been confirmed with a positive COVID-19 diagnosis.
All Employees: If you are aware of another employee's positive case information, **DO** encourage the employee to follow University guidance and report that information to their supervisor.	**All Employees: DO NOT** reach out with sympathies or compassion to an employee or their family related to a COVID-19 diagnosis or other medical condition unless the affected employee has shared their diagnosis with you.

All Employees: **DO** assume employees want to keep **ALL** medical conditions private, including other health issues that could be associated with high risk factors or circumstances around the pandemic.	All Employees: If you receive a notification that someone in the office/area has tested positive, **DO NOT** become an office detective and try to find out who else received notifications or which employee may have tested positive.
All Employees: **DO** focus on your own health and safety by following Center for Disease Control guidelines throughout your daily interactions.	

EXAMPLE 1 (DO):

Supervisor Jane: *"Hello, Bob, I am calling to let you know that you likely were in close contact with an employee who has recently tested positive for COVID-19 and to provide you information about next steps to mitigate spread of the virus."*

Bob: *"Thanks, Jane. This is really scary, can you tell me who the employee was?"*

Jane: *"No, per University policy and to protect the employee's confidentiality, I cannot disclose the identity of the employee."*

Bob: *"Ok, well can you tell me when or where I was in contact with the employee?"*

Jane: *"No, I cannot disclose that information either, as that could be used to identify the employee. However, I can share with you information about testing, isolation, and other measures the University is taking in response to this situation."*

EXAMPLE 2 (DO NOT):

Linda: *"Hello, Bob, this is Linda from UITS, Melinda Jones from UITS has got COVID-19. Yep… She told me around noon yesterday. I can't remember if she was around your unit's folks or not during our meeting yesterday. Please let all your staff know that if they were around Melinda, they need to get checked out."*

Rather, please DO:

Linda: *"Hi, Sarah, this is Linda from Marketing. One of my direct reports had close contact with Bob in your unit and has tested positive for COVID. I am calling you because, as Bob's supervisor, you need to notify him that he was a close contact of a COVID-19 positive employee. To protect the employee's privacy, you should not disclose to Bob that the affected employee works in Marketing."*

EXAMPLE (DO):

If an employee asks you if you know who tested positive or tries to figure out who it was, you could respond:

"*Hey, we are not supposed to be talking about who got sick or trying to figure it out. It's not fair for us to guess and we should respect our coworkers' privacy. Also, our supervisors will let us know if we were in close contact and if we need to take additional steps."*

Other COVID-19 Privacy Support Documents:
- Following HIPAA Privacy Rule in Patient COVID-19 Communications
- FERPA Privacy Protections for Students related to COVID-19 Response

Other Resources:
- Americans with Disabilities Act. U.S. Department of Justice, Civil Rights Division.
- Family Medical Leave Act. U.S. Department of Labor.
- Health Information Privacy and Portability Act. U.S. Department of Health and Human Services.