



MEMO

To: All Local Health Officers
From: Shereen Semple, Director
Office of Local Public Health
Date: March 27, 2020
Subject: Updated COVID-19 Information Sharing with Law Enforcement

This memorandum updates the memorandum dated March 25, 2020. At the direction of the Attorney General and Commissioner of Health, effective March 28, 2020, by 5pm each day, County LINCS agencies must provide the following information via a secure encrypted email to a designated single point of contact at the County Office of Emergency Management:

-A list of names, including first and last name, of individuals who tested positive for COVID-19 located in the county; and

-A list of resident locations by address where each case of positive COVID-19 laboratory test is located.

Including the following statement in the daily email:

This e-mail, including any attachments, includes highly sensitive, confidential medical information about individuals pursuant to the Emergency Health Powers Act, specifically NJSA 26:13-13-1, et seq. This email and any attachments are absolutely confidential, not public documents, not subject to disclosure under the Open Public Records Act (OPRA) and may only be used or disclosed in accordance with the Emergency Health Powers Act, specifically NJSA 26:13-17, as specifically approved in writing by the New Jersey Attorney General Directive and the Commissioner of Health. If you received this e-mail in error, you are not authorized to review, transmit, convert to hard copy, retain a copy, or in any way further use or disseminate this e-mail, any attachments, or any information contained therein. You must immediately notify the sender, delete this message and immediately notify the New Jersey Department of Health's Data Privacy Officer immediately at privacy.officer@doh.nj.gov and confirm in writing that you deleted the email(s)/attachment(s) and that you did not/will not further use or disclose the email, attachment(s) or information contained in the email.

In addition, effective March 28, 2020, County LINCS agencies are to add the following information to the daily secure email set forth above when available¹:

-A list of names of individuals where a previously reported positive has been cleared from isolation; and

-A list of resident locations by address where a previously reported positive has been cleared from isolation.

¹ In accordance with current guidance, most individuals who previously tested positive for COVID-19 will not be retested when they have recovered from COVID-19, and as case volume increases, local health departments may not have complete data on cases cleared from isolation.

Local Public Health Officers and County LINCS agencies are permitted to share this information with a single point of contact at the County Office of Emergency Management (County OEM) pursuant to the Emergency Health Powers Act, specifically NJSA 26:13-1, et seq.

The single point of contact at County OEM will use this location information to enter a confidential flag in the CAD system that can be shared with local law enforcement, Emergency Medical Services, Fire-Fighters and Department of Children and Families Division of Child Protection and Permanency (DCP&P) as authorized by the Commissioner of Health in this memorandum and corresponding Attorney General Directive.

In limited circumstances where County OEM does not have access to a CAD system, County OEM may share the information provided by the County LINCS agency to a single point of contact at the applicable local Police Department for entry of the confidential flag in the CAD system.

When a law enforcement officer, Emergency Medical Services Technician or Paramedic, Fire-Fighter or DCP&P responds to a call for service and the name/address inputs in the CAD system, a flag is generated with a message that there is a potential COVID-19 exposure to inform necessary precautions, including donning Personal Protective Equipment (PPE).

The Attorney General and Commissioner of Health authorize County OEM to share this flag in the CAD system with the responding law enforcement officer, on a limited need-to-know basis while responding to a call for service. The limited purpose of sharing this information in the CAD system is to alert the law enforcement officer(s) so that mitigation steps can be taken to use appropriate PPE when responding to a call for service at an identified location or an identified individual. County OEM is permitted to share this information with Law Enforcement pursuant to the Emergency Health Powers Act, specifically NJSA 26:13-17 (a)(4) and (b)(5).

The Attorney General and Commissioner of Health authorize County OEM to share this flag in CAD with Emergency Medical Services (EMS) and Fire-Fighters on a limited need-to-know basis while responding to a call for service. The limited purpose of sharing this information in the CAD system is to alert the EMS Emergency Medical Technicians and Paramedics and Fire-Fighter so that mitigation steps can be taken to use appropriate PPE when responding to a call for service at an identified location or an identified individual. Fire departments that are also EMS providers are also authorized to receive this information. County OEM is permitted to share the flag in CAD with EMS pursuant to the Emergency Health Powers Act, specifically N.J.S.A. 26:13-17(a)(1).

The Attorney General authorizes County OEM to share this flag in CAD with Department of Children and Families Division of Child Protection and Permanency (DCP&P) on a limited need-to-know basis while responding to a call for service. The limited purpose of sharing this information in the CAD system is to alert the DCP&P field staff conducting child abuse investigations and effecting child protection removals so that mitigation steps can be taken to use appropriate PPE when responding to a call for service at an identified location or an identified individual. County OEM is permitted to share the flag in CAD with DCP&P pursuant to Emergency Health Powers Act, specifically NJSA 26:13-17 (a)(4) and (b)(5).

Upon County OEM single point of contact's receipt of the list of names and addresses that have been cleared from isolation, the single point of contact at County OEM will immediately permanently remove and delete the flag in the CAD system and as necessary alert law

enforcement to do the same. Additionally, in all cases the single point of contact at County OEM, law enforcement, EMS, Fire-Fighters and DCP&P will permanently remove and delete all COVID-19 flags in CAD and permanently destroy all emails containing names and addresses of individuals who tested positive for COVID-19, or any other information or records containing information about individuals who tested positive for COVID-19 immediately upon the Governor's declaration that the public health emergency has ended.

County OEM, law enforcement, EMS, Fire-Fighters and DCP&P are instructed that they are prohibited from any further use or disclosure of this sensitive, confidential information, this information is strictly confidential and that this information is not subject to disclosure under the Open Public Records Act (OPRA). The OAG and DOH advise there will be serious consequences to County OEM, law enforcement, EMS, Fire-Fighter or DCP&P for any violation. Note that, in a declared public health emergency environment of rapidly changing information, law enforcement officers, EMS, Fire-Fighters and DCP&P cannot solely rely on this flag in the CAD system and must continue to appropriately screen calls for service in order to protect the life, safety and health of New Jersey's law enforcement officers.

Effective immediately, please notify the Department of Health's Director of the Office of Local Public Health if you learn that this information is being used for any other purpose, e.g. If this information is being used to deny or avoid the provision of services to identified locations or if this information has been disclosed in a manner not permitted by the Attorney General and Commissioner of Health.