



# Public Health

*Communicable Disease Control and Emergency Management*

## COVID-19 Contact Tracing and Privacy

Disease investigations, including contact tracing, are part of the process of supporting patients with suspected or confirmed COVID-19 infection. In contact tracing, public health staff work with a patient to help them recall everyone with whom they have had close contact during the timeframe while they may have been infectious. Public health staff then warn these exposed individuals (contacts) of their potential exposure as rapidly and sensitively as possible. Contacts are provided with education, information, and support to understand their risk, what they should do to separate themselves from others who are not exposed, monitor themselves for illness, and the possibility that they could spread the infection to others even if they themselves do not feel ill.

The collection and use of individual information by public health staff for contact tracing activities involves privacy considerations for both persons who have tested positive for COVID-19 and persons who have or may have come into contact with them.

Boulder County Public Health follows these privacy principles for COVID-19 disease investigations:

- Contact tracing is only conducted for contacts of confirmed cases (individuals who have tested positive for the virus that causes COVID-19).
- To protect patient privacy, contacts are only informed that they may have been exposed to a patient who has tested positive for COVID-19. Public Health will not share the identity of the patient who may have exposed them.
- Public health staff may provide contacts with information to understand the circumstances of their exposure – such as possible date or location of contact with a COVID-19 positive individual and level of exposure risk – as long as information that identifies the positive individual is not divulged.
- Public Health may ask contacts for basic information like name, address, and date of birth to confirm identity.
- Public Health is required to protect the privacy of all patient and contact information it collects during contact tracing activities and use it only for authorized public health purposes.
- Public Health will never ask for social security number or financial information.
- Public Health will never share or expose an individual's health or personal identifying information to the public, the media, employers, or other persons without the individual's permission, or except as authorized by law.
- Contact tracing records are stored securely and maintained only for the period necessary to accomplish public health purposes for treatment, control, investigation and prevention of COVID-19.
- Boulder County Public Health does not currently use or require contact tracing mobile apps like symptom or location trackers. The appropriate use of these technologies may be considered with direction or guidance of state and federal public health authorities. Use of such technologies would be voluntary with informed user consent and with appropriate privacy and data security protections in place.



## **The Colorado Anti-Discrimination Act (CADA)**

CADA protects employees from discrimination on the basis of disability, race, creed, color, sex, sexual orientation, religion, age, national origin, ancestry, and pregnancy (including childbirth and related conditions). Individuals who are pregnant or have disabilities have the right to request “reasonable accommodations” from employers who are subject to the Americans with Disabilities Act or CADA.

Individuals who are pregnant or have a disability that affects their risk for contracting COVID-19 or being harmed if they do contract COVID-19, have the right to request a reasonable accommodation from their employer. For example, employees with disabilities that put them at high-risk for complications related to COVID-19 may request telework or paid/sick/unpaid leave as a reasonable accommodation to reduce their chances of infection during a pandemic.

- Employers may ask employees if they are experiencing influenza-like symptoms, such as fever or chills, and a cough or sore throat.
- Employers must maintain all information about employee illness as a confidential medical record in compliance with state and federal law.
- During a pandemic, employers may not ask employees who do not have known or apparent influenza symptoms whether they have a medical condition that the Centers for Disease Control and Prevention says could make them vulnerable to influenza complications.
- Under no circumstances may an employer make decisions based on stereotypes or bias.

**Employers are prohibited from discriminatory or unfair employment practices against employees who are showing symptoms of COVID-19 or who have been in contact with a known positive case of COVID-19.** Discriminatory or unfair employment practices include a failure to hire, discharge, promote or demote, harass or decisions related to compensation, terms, conditions or privileges of employment.

### **Examples of illegal discrimination include:**

- Refusing to hire a job candidate because they are pregnant.
- Co-workers, supervisors, or customers harassing an employee of Asian descent by making derogatory remarks or comments about their heritage.
- Discharging an employee because of their age (40 years old and older).
- Laying off an employee that is perceived to be disabled because they are showing symptoms of COVID-19 or who have been in contact with a known positive case of COVID-19.

For more information about employment discrimination and/or to file a complaint, individuals may visit the [Colorado Civil Rights Division website](#). The Colorado Civil Rights Division offers [training](#) regarding anti-discrimination laws that pertain to employment, housing, and places of public accommodation free of charge. Additional guidance can be found on the [Equal Employment Opportunity Commission website](#).