



MEMO

To: County LINCS Agencies
From: Shereen Semple, Director
Office of Local Public Health
Date: April 11, 2020
Subject: Limited COVID-19 Information Sharing

This memorandum updates the memoranda dated March 18, 2020 and March 27, 2020. At the direction of the Attorney General and Commissioner of Health, effective April 15, 2020, once each day by 5pm, County LINCS Agencies must provide the following information via a secure encrypted email and password protected document to a designated single point of contact (POC) at the County Prosecutor's Office (CPO):

- 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.

County LINCS Agencies must also provide the following information to the designated single POC at the CPO via the daily secure email set forth above, so that confidential flags can be removed from the CAD system(s):

- A list of names of individuals where thirty days has elapsed from their previously reported positive; and
- A list of resident locations by address where thirty days has elapsed from their previously reported positive.

County LINCS Agencies must also include 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.

County LINCS Agencies are permitted to share this information with a single POC at the CPO pursuant to the Emergency Health Powers Act, specifically NJSA 26:13-1, et seq.

The single POC at the CPO will share that information with a single point of contact for each county or regional Computer Aided Dispatch (CAD) System. The single POC for each county or regional CAD shall use this information only to enter confidential flags in the CAD system that is shared by law enforcement officers, emergency medical services (EMS) paramedics and technicians, firefighters, the Department of Children and Families Division of Child Protection and Permanency (DCP&P) and the State Parole Board, as authorized by the Commissioner of Health in this memorandum and the corresponding Attorney General Directive.

Where law enforcement, EMS or fire fighters lack access to a county or regional CAD, the single POC at CPO is authorized to share the information in accordance with the Attorney General's directive with the Chief Law Enforcement Executive who will in turn share with a single POC for an EMS and/or Fire Fighter CAD system who will use this information only to enter confidential flags in the CAD system or where no CAD system exists for entry into an equivalent confidential records management system that is similarly protected from any dissemination not authorized by the Commissioner of Health and Attorney General.

The Attorney General and Commissioner of Health authorize law enforcement, EMS and firefighters, to share this flag in the CAD system with any responding law enforcement officer, EMS paramedic or technician, firefighter, DCP&P or State Parole Board law enforcement officer on a limited need-to-know basis, while responding to a call for service. The limited purpose of sharing this information from the CAD system is to alert first responders described herein so that mitigation steps can be taken, such as using Personal Protective Equipment (PPE), when responding to a call for service at an identified location or an identified individual. This information sharing with law enforcement, including law enforcement at State Parole Board, and DCP&P is permitted pursuant to the Emergency Health Powers Act, specifically NJSA 26:13-17 (a)(4) and (b)(5). The information sharing with EMS and firefighters is permitted pursuant to the Emergency Health Powers Act, specifically N.J.S.A. 26:13-17(a)(1).

Additionally, when a single POC from any of the above mentioned CAD systems or equivalent confidential records management system receives a list of names and addresses of individuals cleared from isolation or where 30 days have passed since testing positive for COVID-19, the single POC will immediately and permanently remove and delete the flag in the CAD system. In all cases the single POC will permanently remove and delete all COVID-19 flags in the CAD system 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.

CPOs, law enforcement officers, EMS, firefighters, DCP&P, and the State Parole Board are strictly prohibited from any further use or disclosure of this sensitive, confidential information; this information is strictly confidential; and this information is not subject to disclosure under the Open Public Records Act (OPRA). The Attorney General and Commissioner of Health advise there will be serious consequences for any violation.

Note that, in a declared public health emergency environment of rapidly changing information, law enforcement officers, EMS, firefighters, DCP&P and the State Parole Board 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 first responders. Further information on this topic can be found in the attached FAQ.

Effective immediately, County LINCS Agencies shall 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.

Attachments: Frequently Asked Questions (FAQ)

Incorporated by Reference: Attorney General Law Enforcement Directive 2020-1 v.3