August 20, 2020

Dear Colleague:

The COVID-19 pandemic has presented the Georgia Department of Public Health (DPH) with an unprecedented challenge. DPH works every day to fight the spread of this deadly disease and protect the health and safety of Georgia citizens, including the staff and children at your school. You can provide critical support for this effort by informing DPH directly when one of your staff or a child at your school reports a diagnosis of COVID-19.

DPH recognizes that you may be concerned about the privacy of your staff and children. Please be assured that DPH has the authority to collect personal health information regarding COVID-19 diagnoses. DPH is legally empowered to publish a roster of “notifiable diseases” and to require certain institutions to submit reports to DPH upon discovery of an actual or suspected case of a notifiable disease.\(^1\) The roster of notifiable diseases, which includes COVID-19, can be found on the DPH website at [https://dph.georgia.gov/epidemiology/disease-reporting](https://dph.georgia.gov/epidemiology/disease-reporting). During a public health emergency like the COVID-19 pandemic, DPH has the duty to “investigate all such cases [of pandemic disease] to determine sources of infection and to provide for proper control measures,” and further to “[i]dentify, interview, and counsel, as appropriate, all individuals reasonably believed to have been exposed to risk.”\(^2\)

Georgia law specifically mandates that public and private schools report all confirmed or suspected cases of notifiable diseases to DPH to protect the health and safety of Georgia citizens.\(^3\) The Family Educational Rights and Privacy Act (FERPA) authorizes the disclosure of health information to a public health authority during a declared public health emergency in order to protect the health and safety of students and staff.\(^4\)

Direct reporting by schools of COVID-19 cases ensure that public health epidemiologists can identify potential contacts and provide guidance to prevent the spread of infection, which helps protect other staff members and children at school as well as the community. For this reason, you are required to inform DPH when a staff member or a child at your school self-reports a COVID-19 diagnosis. All reports to DPH should employ a secure method of communication, such as an encrypted email or a telephone call to your designated epidemiology point of contact.

DPH is legally required to maintain the confidentiality of personal health information collected as part of an epidemiological investigation.\(^5\) This means that the names of individuals reported to DPH as having COVID-19 cannot be released to the public or media. Further, schools are protected from liability as Georgia law specifically states that “[a]ny person . . . submitting in good faith reports or data to the department or county boards or health in compliance with the provisions of this Code section shall not be liable for any civil damages therefor.”\(^6\)

If DPH should need to share your information with others, it will be done in strict accordance with HIPAA. DPH has a HIPAA Privacy Officer who ensures that personal health information in its

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1. O.C.G.A. §§ 31-2A-4 and O.C.G.A. § 31-12-2(a); Ga. Comp. R. & Regs. 511-2-1-.01(h), -02(1).
2. O.C.G.A. § 31-12-2.1(a).
3. O.C.G.A. §§ 31-12-2; Ga. Comp. R. & Regs. 511-2-1.02(h), -02(1).
4. 34 C.F.R. § 99.36.
5. O.C.G.A. § 31-12-2(a); Ga. Comp. R. & Regs. 511-2-1-.03.
6. O.C.G.A. § 31-12-2(d).
possession is only shared with persons authorized under HIPAA to receive it, and only in a form that is allowed under HIPAA. In most cases, health data are de-identified in accordance with HIPAA standards to ensure information cannot be traced back to a specific individual.

If you have any questions or concerns about sharing personal health information with the Georgia Department of Public Health, please call 404-657-2700 and ask to speak to the Privacy Officer. Your designated epidemiology point of contact is provided below.

Sincerely,

Kathleen E. Toomey, M.D., M.P.H.
Commissioner and State Health Officer

Epidemiology Point of Contact:

Name

Telephone

Email