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May 1, 2020

Dr. Nicole Alexander-Scott
Director
Rhode Island Department of Health
3 Capitol Hill
Providence, RI 02908

VIA MAIL AND EMAIL

Dear Director Alexander-Scott:

This letter is in response to recent news stories indicating that the Department of Health is making available to first responders, including state and local police, information from a database about the addresses where COVID-19-positive individuals reside. We wish to express our significant concerns about this access and urge that you revisit your authorization of this information-sharing.

We understand that the intent is to allow first responders to take additional precautions should they respond to a call at a location where a COVID-19-positive patient is quarantined or recovering. Protecting the health of first responders is, of course, a goal that nobody can argue with; however, this invasive policy serves no compelling basis as a public health measure. Since the disease can be spread by asymptomatic individuals – and the evidence is becoming clearer that this is a much larger cohort than originally thought – and the consistent messaging throughout this crisis has been that only individuals with symptoms should be tested, *any* person who is the subject of an emergency call must be considered potentially positive for the virus and handled accordingly. In an environment where most people who carry the virus have not been tested, providing first responders limited information like this can only promote a false sense of security.¹

We realize this information is being provided with good intentions, and (while ultimately not much of a privacy protection) that it includes only addresses, not names. However, it can still easily lead to the unnecessary “outing” of COVID-19 residents, cast unnecessary suspicion on occupants who do not have the disease, and lead to discriminatory conduct against COVID-19 patients by landlords, neighbors and others. In certain instances, it could discourage some individuals in distress from calling for medical assistance or getting tested in the first place.

Sharing this information with law enforcement agencies can have an especially harmful effect in marginalized communities and, in particular, Black and Latino neighborhoods. As you

¹ To the extent that the Department’s decision to allow first responder access to this information was considered a necessary proactive measure due to the rationing of personal protective equipment, scarcity concerns associated with the availability of PPE have been alleviated in recent weeks. That concern, therefore, should no longer provide a sufficient rationale for the significant invasion of privacy inherent in third-party access to this information.

are well aware, these communities have been hardest hit by the disease, and they are also the neighborhoods where relationships with law enforcement are already often marked by distrust and fear. This wariness may only grow with the knowledge that this personal medical information is being shared with police officers.

Again, we appreciate the extremely difficult role that first responders have taken on during this crisis, but the solution in this context is to continue to ensure the adequate availability of PPE for these workers. A universal approach to treating individuals in emergency situations remains key; sharing the address information of people who have tested positive, however, runs counter to both this goal and public health needs. We therefore urge you to withdraw the permission given to first responders to obtain address information from this database.

If you nonetheless plan to continue to allow access to this information by these parties, I would appreciate receiving copies of any policies, procedures or protocols you have in place relating to the database and its availability to first responders, including instructions or guidelines pertaining to how patient address information will be shared, used, confidentially stored and, when appropriate, deleted.

Thank you in advance for your time and attention to this important matter, and I look forward to hearing back from you.

Sincerely,

Steven Brown
Executive Director

cc: The Hon. Gina Raimondo
Jason Rhodes, Emergency Medical Services