



**JB Pritzker, Governor**

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**UPDATED – APRIL 2, 2020**

**Guidance to Local Health Departments on Disclosure of  
Information Regarding Persons with Positive Tests for COVID-19 to Law Enforcement**

It has come to our attention that the Guidance issued on April 1, 2020 may have resulted in confusion regarding this issue. This is intended to clarify the Guidance and address questions that have been raised.

**1. Guidance from the Illinois Attorney General**

The Office of the Attorney General for the State of Illinois (OAG) was asked to address whether the Health Insurance Portability and Accountability Act (HIPAA) allows local departments of public health to provide information regarding individuals with positive tests for COVID-19 to law enforcement. In response, on March 27, 2020, during a presentation to State’s Attorneys in Illinois, the OAG advised that such **disclosure is permissible** because of an exception to HIPAA. Specifically, the OAG’s presentation stated the exception applies because “disclosure to first responders will enable them to use personal protective equipment (PPE) to reduce the risk of COVID-19 transmission.”

**2. Public Health Background**

Along with clarifying the legality of disclosure of this information, this guidance seeks to provide law enforcement with background information given that COVID-19 is now widespread in Illinois. First, there are likely a large number of asymptomatic cases in each community that have not been confirmed by a test. Second, many people who are ill may not have been tested yet. Third, many who have tested positive are no longer contagious.

The safety of first responders and law enforcement is of paramount importance. Because of the limits on the usefulness of current test result information, IDPH recommends that whenever possible, first responders and law enforcement take appropriate protective precautions for response to all calls for service.