

INSIGHT

The Atlanta Journal-Constitution

"Ask yourself one question. 'Is it right?' Then do what you believe is best for your town, your state and your country." — James M. Cox, founder, Cox Enterprises

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We must increase transparency

Balancing privacy rights with public need for health information.

By **Clare Norins**

Narrow restriction of local information about confirmed cases of COVID-19 begs the question: What is the appropriate balance between protecting an individual's identity and the public's right to information during a public health crisis?

The Georgia Department of Public Health — like many state health departments — provides daily updates on confirmed COVID-19 cases, broken down by county. While these numbers and how they change over time are informative, Georgians are eager to know more, specifically how the coronavirus is manifesting in their communities.

Yet the department, citing privacy concerns, has declined to release details, such as cities within a particular county where cases have been confirmed or locations where people who tested positive have been. News outlets around the state have documented the department's restrictions on release of this information.

Local health care providers in some areas, such as Augusta and Albany, have filled the gap by providing more localized COVID-19 numbers. But this level of data is not available for most of the state, making it difficult for municipal officials and the public to ascribe meaning to the state-reported county numbers.

This tension between preservation of privacy interests on the one hand, and a call for greater transparency



Workers set up tents in front of the Kennestone Hospital emergency room in Marietta last month. Kennestone is one of several hospitals in Georgia treating patients with the coronavirus.

CONTRIBUTED BY CHRISTINA MATA-COTTA

on the other, is playing out around the country. In Massachusetts, some municipalities are releasing specific numbers about COVID-19 cases and deaths within their boundaries, citing the need to keep the public informed. Other municipalities, however, are providing only the county-based statistics from the state.

In Oklahoma, local government officials and citizens have been frustrated by the state's refusal to provide more specific, yet still nonidentifying, information about COVID-19 cases. Such information, they say, would help them to make more informed personal and public health decisions.

Meanwhile, South Carolina's Department of Public Health and Environmental Control has taken an additional step toward transparency by releasing COVID-19 cases by ZIP code.

Georgia public health officials are encouraging people to assume they could come into contact with someone infected with COVID-19 at any time, and to take precautions accordingly. It would be far more impactful if people truly understood the virus's proximity and escalation.

For instance, knowing that a certain number of people in your town have tested positive for COVID-19 or that someone

from your workplace, your child's school or the elder care facility where your parent lives has far greater meaning than simply knowing that X number of people somewhere in your county tested positive. Localized information is also more persuasive. When people understand how the disease is spreading in their town, they are more likely to take precautions.

And here's the nub of it: Disclosure of the location or affiliation of people who have tested positive for COVID-19 is — in most situations — not sufficient to make them reasonably identifiable. Certainly, disclosing the number of con-

firmed COVID-19 cases in a city does not identify anyone. Even information that narrows possible candidates to 1,000, 500 or even 50 people does not identify any individual. State health officials are taking greater precautions than are actually necessary to achieve reasonable medical privacy.

Moreover, the federal law restricting release of medical information — the Health Insurance Portability and Accountability Act, or HIPAA — recognizes privacy interests are not absolute in a public health crisis. A March bulletin from the U.S. Department of Health and Human Services states individual health information can be disclosed "to anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of ... the public."

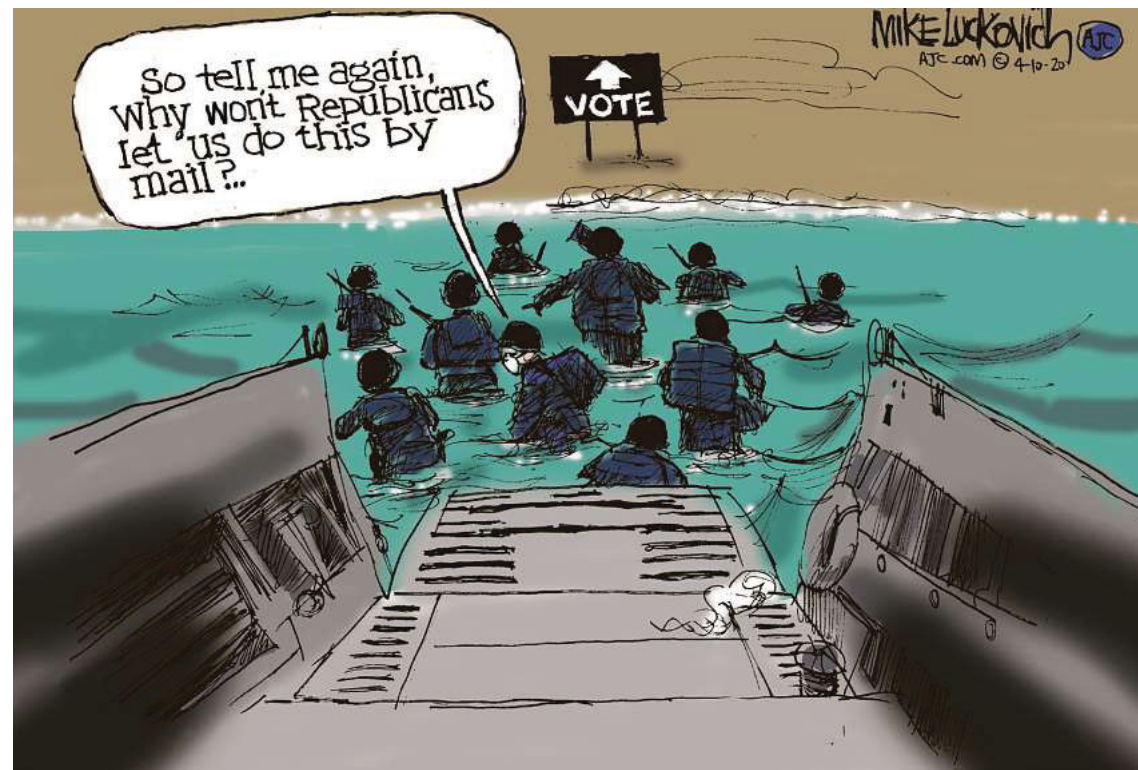
This is echoed by the Georgia Department of Public Health's Notice of Privacy Policies: "We may disclose your health information for public health activities which include: preventing or controlling disease."

A recalibration of privacy vs. access is therefore in order. Yes, it is important not to publicly identify individuals who have tested positive for COVID-19 without their consent. But the Georgia health department and municipalities can avoid that while still providing localized data that empowers the public to make informed and rational choices.

Withholding this kind of potentially life-saving information goes beyond reasonably protecting privacy and, instead, fosters anxiety and public mistrust of health institutions.

Clare Norins is a First Amendment attorney and a member of the board of directors of the Georgia First Amendment Foundation, which has been actively pushing for open government and transparency amid the COVID-19 coronavirus crisis.

Mike Luckovich



From the right



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READERS WRITE

Luckovich cartoon flies against uniting nation now

With our country facing the coronavirus pandemic, now is not the time to be divisive. You recently wrote about trying to be "inclusive" and supporting editorial policies that foster bringing us together to fight this national threat. Mike Luckovich's cartoon, "States left open by GOP governors" (Opinion, April 5), does exactly the opposite. It's divisive and unfair.

Republican and Democratic governors alike have closed and/or opened their states. Each made hard decisions in difficult times, and in many instances changed those decisions based on new information. You have the opportunity, now, to work with Mr. Luckovich and ask him to be creative in producing cartoons that express the dedication we all must have to survive the attack of this invisible enemy. Mr. Michael Ramirez did just that in the April 5 Opinion section with his cartoon, "Thank you to everyone on the front lines."

EDWIN W. PARKINSON, ATLANTA

DACA recipients still in need of permanent fix

Deferred Action for Childhood Arrivals (DACA) program recipients live in constant uncertainty. COVID-19 only increases anxieties amongst DACA recipients who are awaiting a Supreme Court decision determining the future of the program protecting them.

DACA recipients serve diligently as healthcare providers, pharmacy workers and first responders. They're also helping to keep many lives afloat during this crisis as grocery store employees, maintenance providers and sanitation workers. America needs these frontline workers now more than ever, but in an instant the Supreme Court could eliminate their ability to assist with this crisis.

I urge the Trump Administration to rescind their appeal and extend protections for DACA recipients whose status expires through the end of this year, as USCIS offices are closed during this time.

I encourage DACA recipients to get more information regarding how coronavirus impacts them and their statuses. U.S. senators Loeffler and Perdue must also pass permanent protections for Dreamers.

CHARLES KUCK, IMMIGRATION ATTORNEY, ATLANTA

Letters to the editor must be no longer than 150 words and must include a daytime phone number for verification. Letters will be edited for length and clarity and may be published in both print and digital formats. Emailed submissions are strongly preferred. Please email to: letters@ajc.com.

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