



Contact Tracing & VAWA Confidentiality: Tips for Handling Common Scenarios

Overview of Contact Tracing

Contact tracing is a long relied on public health investigation tool that is intended to help slow the spread of highly contagious diseases by:

1. Interviewing someone with a positive diagnosis and working to identify all of the people they've had close contact with during the time they may have been infectious.
2. Notifying those people of the possible exposure without revealing the infected person's identity (generally through phone calls, but also may use text, email, video conference or in person).
3. Advising those possibly exposed on how they can interrupt disease spread, including:
 - Self-quarantining for appropriate amount of time,
 - Testing,
 - Symptom monitoring, and
 - Connecting them with services they may need during self-quarantine.

Contact tracing has become a very hot issue as the U.S. attempts to cope with the COVID-19 pandemic. Because the response is different in each state, territory, and tribe, and the local context can change rapidly, victim service providers and other confidential professionals will need to pay close attention to local law and how it applies within the context of their federal confidentiality obligations. It's also important to remember that many people, including survivors and people from communities who have been marginalized, have concerns about privacy and how information collected in the contact tracing process may be used against them.

Contact tracers are generally people hired from the community by public health departments. The contact tracing process begins when a public health department is notified of positive cases generated from lab results or reported by physicians. (Check out your local health department websites to learn more about the specifics of how contact tracing processes in your community.)

Other activities have been lumped into the phrase "contact tracing" when they actually are methods of *preparing* for the possibility of contact tracing. Using visitor logs at non-

profit agencies, restaurants, or public transit stops is not “contact tracing”; it is the collection of identifying information which may be used to reach people when there is reason to believe they have been exposed to COVID-19. Government-issued forms requesting that visitors quarantine and disclose a local address for enforcement purposes is also *not* contact tracing. Because this information is not being collected by public health professionals, it is not clear how it would be stored, protected, or used for other purposes. Check your local ordinances to learn more about any rules related to such preparatory efforts.

According to the CDC, best practices for contact tracing require that it be voluntary and that information collected be protected from any further disclosure. But, some state and local governments in the U.S. may be attempting to mandate that individuals share information with contact tracers and may create penalties for those who don't. It is unclear whether identifying information would be disclosed as part of enforcement processes.

This document will offer a process for responding to several common scenarios that may arise for confidential victim services providers. It is a companion document to the detailed discussion of contact tracing created by the Victim Rights Law Center, [Confidentiality and Coronavirus Contact Tracing: FAQs for OVW-Funded Victim Service Providers](#).

Preparation:

The *most important* steps providers can take are *in advance* of any confirmed exposure:

- DISCUSS the risk of COVID-19 exposure prior to in-person interactions with survivors and consider alternative strategies when appropriate.
- FOLLOW [guidelines from the CDC](#) for helping prevent and minimize the spread of COVID-19 in your residential and non-residential programs.
- RESEARCH how contact tracing happens in your community, including local, state, territorial, or tribal mandates, then EDUCATE your team.
- INFORM survivors about the kind of information that might be requested in a contact tracing interview.
- ASK the survivor what they would like to have happen if the provider learns the survivor may have been exposed to COVID-19.

- What kind of contact is safe and appropriate?
 - By you directly? By you to a trusted friend or family member of survivor in the event they can't be contacted? By a contact tracer?
 - Would a "you were exposed" call from a contact tracer be more or less safe for that person than a call from your office, since a contact tracer call would not link the survivor to a victim service provider?
 - DOCUMENT their preference.
- What kind of information would the survivor like shared with contact tracers (if any)?
- RECORD any instructions the survivor provides to you related to disclosure of their information in a written consent (paper or digital) that is reasonably time-limited (likely 14 days after last in-person contact with your agency).
 - Find guidance on digital written consent in [English here](#) and in [Spanish here](#).
- DECIDE how your agency will handle sharing of contact information for staff, volunteers, and visitors who are not covered by legal confidentiality provisions.
- CONSIDER appointing a few key staff members (most likely the Executive Director and a supervisor) to manage inquiries from contact tracers so that your organization can ensure proper procedures are followed.

Contact Tracing Scenarios

1. **SCENARIO 1:** You work at a victim services program and receive a phone call from a contact tracer (or a contact tracer shows up at your door) saying someone who was at your program tested positive for COVID-19, and they need the information of everyone that person may have come into contact with.

Process for Responding:

- Confirm you're speaking with a public health contact tracer and [not an impostor](#).
- Find out as much information as possible about why they've called or come to your location.

- Ask the contact tracer for an opportunity to talk with your executive director or manager before any taking next steps.
 - If possible, get a number to call as follow-up and say goodbye.
 - If contact tracer is insistent on getting some information immediately, ask them to wait in the same way you would any other visitor while you connect with your executive director or manager.
- Contact your Executive Director or manager.
- Begin the internal notification process, informing those who were potentially exposed and providing them with information on how they can self-isolate, monitor for symptoms, and help interrupt disease spread.

For Manager/Executive Director:

- Inform the contact tracer that your agency is a confidential service provider and is prohibited by federal (and local law if applicable) from sharing identifying information about the survivors you work with.
- Inform the contact tracer about the procedure your agency uses to contact, inform, educate, and support survivors who may have been exposed.
- Ask the contact tracer how people who have been exposed can connect with them or other public health workers for further information.
- If the contact tracer or other public official demands that you disclose confidential survivor information, offer to share the law that prohibits your organization from disclosing any personally identifying information of survivors and ask the official to share with you any law they believe mandates this disclosure. If they share such a mandate with you, ask for time to consult an attorney for legal advice to ensure the mandate actually qualifies as an exception to your confidentiality obligations.

SCENARIO 2: You work directly with survivors in a victim services program, and after testing positive for COVID-19, notified your manage. Today, you received a phone call from a contact tracer asking you to provide names, contact information, and descriptions of the people you’ve had close interactions with over the last 14 days.

Process for Responding:

- Confirm you’re speaking with a public health contact tracer and [not an impostor](#).
- Make a decision about how you want to handle sharing contact information of people who are not covered by victim services confidentiality protections.

- Inform the contact tracer that your profession has federal (and local if applicable) confidentiality rules that prohibit you from sharing identifying information about the survivors you work with.
- You can inform the contact tracer of the approximate number of survivors who may have been exposed to you.
- Inform the contact tracer about the procedure your agency uses to contact, inform, educate, and support survivors who may have been exposed.
 - Ideally, you can state that this procedure is already in process, and began as soon as you notified your manager of your diagnosis.
- Ask the contact tracer how survivors who were possibly exposed can connect with public health workers for further information.
- For survivors who made a written request to have information given to the contact tracer, follow your agency's procedure for sharing that information (which may require connecting the contact tracer with your supervisor or executive director).
- If the contact tracer or other public official demands that you disclose confidential survivor information, offer to connect the person with your manager or executive director.

For Manager/Executive Director: Offer to share the law that prohibits your organization from disclosing any personally identifying information of survivors and ask the official to share with you any law they believe mandates this disclosure. If they share such a mandate with you, ask for time to consult an attorney for legal advice to ensure the mandate actually qualifies as an exception to your confidentiality obligations.

SCENARIO 3: You work at a domestic violence shelter. Yesterday, you conducted an intake with a survivor and their children and they began staying at the shelter. Today, that survivor let you know they received a call from a contact tracer alerting them that they'd been exposed to someone with COVID-19. The survivor is asking what they're allowed to tell the contact tracer about who they've interacted with in the shelter, and wants to know if the name of the abusive partner has to be shared.

Process for Responding:

- Help the survivor confirm they haven't been contacted by [an impostor](#).
- Talk with the survivor about how to implement the self-isolation and symptom monitoring protocols requested by the contact tracer. Remember – contact tracers are calling to let someone know they *may have been exposed* to COVID-19, which is different from a health care provider calling to *confirm a positive test*.

- Implement your agency's health and safety protocols to help the survivor prevent possible exposure to anyone else. This includes notifying other shelter residents that someone in shelter may have been exposed. (Remember - this notification protocol may be different from protocol when someone has tested positive.)
- Talk with the survivor about what contact tracing is and how it works in your locality (including if the government is imposing penalties for not participating).
 - Talk to them about how your local public health department does or doesn't protect the information shared with them. Ask if they know anyone who works at the health department that would pose a risk to them.
- Talk with the survivor about how to handle information about other people inside the shelter with whom they have had close contact.
 - Discuss your shelter's agreements and policies about protecting the privacy and confidentiality of other survivors they meet in shelter.
 - Tell the survivor the steps you've taken to notify and protect the people who they may have had contact with inside the shelter. This way the survivor knows that those people will get health information and support.
- Support survivor in implementing the next steps. If the contact tracer or other official demands that the survivor disclose information about other survivors, offer to connect that contact tracer with your manager or Executive Director.

For Manager/Executive Director: Offer to share the law that prohibits your organization from disclosing any personally identifying information of survivors and ask the official to share with you any law they believe mandates this disclosure. If they share such a mandate with you, ask for time to consult an attorney for legal advice to ensure the mandate actually qualifies as an exception to your confidentiality obligations.

- Regarding the survivor's concerns about giving the contact tracer the contact information of their abuser - generally speaking, contact tracing officials do not share identifying information about how the possible exposure happened. Confirm that this is the case in your area. Given the way that your local contact tracing is being handled, what does the survivor think are the pros and cons of sharing their abusive partner's contact information?
 - What measures can be taken to limit the abuser's opportunity to retaliate?
 - Are there other people the survivor cares about who might be exposed if the abuser is contagious and does not know it?

SCENARIO 4: You work at a domestic violence shelter. Last week, a survivor left shelter and returned home to live with their partner. You helped with a safety plan, but the survivor did not ask for ongoing contact with you. Today, you learned that another

person in shelter tested positive with COVID-19 and the survivor who left had close contact with that person. What should you do regarding the survivor who has left?

Process for Responding:

Assuming your agency has implemented its steps for supporting the person who tested positive and notifying the other people within the shelter appropriately, then:

- Consider creative ways the survivor who left could be informed about their exposure:
 - Ask the person who tested positive (if they are able to speak with you) if they are still in touch with the person (or people) who left, and if so, if they feel comfortable making the notification themselves.
 - Talk with them about any concerns related to notifying people, including the risks of harm if they aren't notified.
 - Ask if they want assistance notifying people.
 - If the person isn't in touch with the survivor, or doesn't feel comfortable making the notification, consider if this would be a case in which the confidentiality of the contact tracing process might be a useful tool to get the information to the survivor who left. If so, help the survivor who tested positive plan for how to do this in the safest most privacy protective way.
- If none of these options feel right, the executive director or manager should make the decision about next steps.
 - First, consider the relative risks of the program contacting the survivor directly (given what is known about the safety plan and the history of violence and surveillance) versus the risks of not notifying them about COVID-19 exposure (immunity or respiratory risk factors for survivor, household members, and others they may be near).
 - Then, consider the safest possible ways to reach out to survivor without creating harm in their home.
- Once this situation is resolved, discuss how to improve discussions with survivors at exit to account for this possibility.
 - COVID-19 exposure should be part of safety planning discussions.
 - See the Preparation section above for guidance on agency-level steps.

SCENARIO 5: You work at a transitional housing apartment building and run daily support group meetings in the common area. Meetings have required masks and social distancing, but you have observed people informally congregating more closely just before and after meetings. Today, a participant privately tells you that they just tested

positive for COVID-19 and gave a contact tracer your name and number for information about people who might have been exposed in group.

- Implement your agency's protocols for notification and protective measures whenever someone in the building tests positive.
- Remember to take care of yourself as someone who has been working in the support group with a person who tested positive.
- Post a notice in the common area and provide notice to support group members that they have possibly been exposed to COVID-19, and offer them appropriate information for how to learn what they can do to monitor symptoms, connect with health care, and prevent others from being exposed.
- In support group, discuss the challenges of maintaining social distancing when people are also processing trauma and trying to get and give support with others.
 - Without shaming, use the notification of a positive test (whether made generally to the building or to the support group specifically) to reinforce the importance of social distancing as a sign of support and respect.
- When the contact tracer calls, follow the steps outlined under Scenario #1.

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