



## **COVID-19: Guidance for First Responders and Local Jurisdictions**

This document is intended to provide general guidance and is not a substitute for specific legal advice based on circumstances. You are advised to seek advice from your own legal counsel.

### **1. What information about an individual under monitoring or under a control measure order can be dispatched to first responders?**

A local health department shall provide the address of the person under monitoring. [Texas Health and Safety Code §81.046(c-1)] During a public health disaster declaration, additional information may be provided but only the minimum amount of information needed to advise first responders of a possible exposure to a person with a communicable disease is authorized by statute. In the case of COVID-19, that may be as little as the address of the individual. §81.046(f).

### **2. How should first responders treat an encounter if it is not known whether an individual has COVID-19?**

Now that we have community spread of COVID-19 in most areas of Texas, first responders should treat every encounter as one that might expose them to COVID-19.

### **3. What information about a person under monitoring or under a control measure order can be shared with law enforcement?**

During a public health disaster, information related to cases or suspected cases of COVID-19 can be shared with law enforcement to the extent that information is necessary to protect the health or life of law enforcement personnel. Commissioner Hellerstedt issued a public health disaster declaration on March 19, 2020. That declaration lasts 30 days and is renewable for an additional 30 days. [Texas Health and Safety Code §81.046(f)] For general information, county or city case counts, addresses of individuals under monitoring or who are confirmed by testing may be all that is appropriate. However, if an officer experiences a high-risk exposure, such as being bitten, being spat in the face, etc., the local health department is authorized to release whether the person in question is known to them to have tested positive for COVID-19 and whether the person is likely still able to transmit the virus. The actual data shared is determined by the local health department.

**4. What information can be shared with county judges in Texas, many of whom are responsible for the health and safety of their community?**

Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information; however, certain identifiable information can be shared with county or district courts to comply with communicable disease statutes and rules related to the control and treatment of those individuals. The level of information shared should only be to the extent necessary for the judge to make informed decisions on how to keep their community safe. This information is typically provided by the local health department. [Texas Health and Safety Code §81.046(f)] To determine the extent of disease in the jurisdiction, a local health department may provide suspected and known positives within the county and even at the city level, as well as de-identified information such as: sex, age range, hospitalized or not, and number of fatalities. Of course, if a court order is being sought to control the movement of an individual or group, the specific circumstances and fully identified information would be required for the judge to determine whether or not to issue a court order to control or confine. The actual data shared is determined by the local health department.

**5. Who should I consult for advice related to public health and privacy in my community?**

DSHS encourages local officials to work through the local health department for advice on public health issues and through their city and/or county attorneys in their jurisdiction to answer specific legal questions about public health and privacy requirements in their community.

**Because the novel coronavirus (the virus that causes COVID-19) response is rapidly changing, this is interim guidance.**

**Reliable Information Sources**

Find up-to-date novel coronavirus information at [dshs.texas.gov/coronavirus](https://dshs.texas.gov/coronavirus), and on DSHS's Facebook, Twitter and Instagram at @TexasDSHS. Also visit the CDC's website at [cdc.gov/coronavirus](https://cdc.gov/coronavirus).