

Q&A – Coronavirus and Confidentiality Concerns

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We have received multiple questions about confidentiality and Coronavirus. The following Q&A may help with issues you are facing in the workplace.

Question: *Can I disclose an employee's actual or probable Coronavirus diagnosis to others?*

Answer: The ADA's confidentiality requirements should be followed. Employers can communicate to non-exposed employees that there has been a Coronavirus diagnosis, without sharing additional identifying information. The CDC [currently states](#) disclosure can only be made to the extent necessary to adequately inform employees of their potential workplace exposure. As the situation progresses the CDC's directives may change. Directives from another public health authority may also be followed.

Question: *Does HIPAA's privacy restrictions apply to a Coronavirus diagnosis?*

Answer: Not if you learn of the diagnosis from the employee or his or her family. However, if you acquire the information in your role as the administrator of the health insurance plan, HIPAA applies.

Employers should apply the guidance set forth in this Q&A uniformly and in a manner that does not discriminate based on any protected characteristic (e.g., national origin, gender, race, etc.).

A myriad of situations may arise regarding the Coronavirus. Please contact any member of **Bodman's Workplace Law Group** if you need assistance. We will be providing frequent updates and additional FAQs as the situation develops.

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