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30/2020 **13/07/2020**

MAG DIE IDENTITEIT VAN COVID-19 POSITIEWE INDIVIDUE OPENBAAR WORD?

’n Vraag betreffende die openbaarmaking van die identiteit van individue (leerders, opvoeders en ondersteuningspersoneel), wanneer hulle positief toets vir Covid-19, het herhaaldelik in die afgelope paar weke na vore gekom.

Na aanleiding van navrae gerig aan die DBO blyk die volgende duidelik te wees:

- ’n Individu se persoonlike inligting word deur die reg beskerm. Persoonlike inligting betreffende ’n individu se gesondheid is een van die kategorieë wat ekstra beskerming vereis. Dus mag ’n skool in die algemeen nie ’n individu se persoonlike inligting betreffende sy/haar gesondheid sonder toestemming versprei word nie. Nietemin is daar altyd uitsonderings op die reël.
- Covid-19 is as ’n aanmeldbare mediese toestand verklaar. Oor die algemeen beteken dit dat dit nodig is dat inligting rakende Covid-19-infeksies beskikbaar gestel en verwerk word om die pandemie te bekamp. Dit is egter nie sonder sy eie beperkings nie.
- Wanneer ’n persoon positief toets vir Covid-19 val dit onder die algemene verantwoordelikheid van die Departement van Gesondheid om hierdie inligting te bestuur en te prosesseer.
- Aangesien Covid-19 ’n aanmeldbare mediese toestand is, mag gesondheidsbeamptes hierdie inligting openbaar, hoofsaaklik vir doeleindes van kontaksporing en bekamping van die virus.
- Dit beteken nie dat dié individue se persoonlike gesondheidsinligting nou as openbare kennis beskou word nie. Die gesondheidsbeampte moet nogtans met verantwoordelikheid en redelikheid hierdie inligting prosesseer vir die doeleindes waarvoor dit geprosesseer moet word.
- Die bekendmaking van sodanige inligting kan lei tot die stigmatisering en moontlike onbillike diskriminasie teen individue, veral mbt leerders.

MAY THE IDENTITY OF COVID-19 POSITIVE INDIVIDUALS BE DISCLOSED?

A recurring question has been asked over the last few weeks in regard to the identification of individuals (learners, educators and support staff at schools) who tested positive for Covid-19.

After enquiry to the DBE, the following seems to be clear:

- An individual’s personal information is protected by law. Health information is one of the categories of personal information that receives extra protection. Thus, generally speaking, a person is not allowed to disseminate personal information regarding the health of an individual without their consent. Nevertheless, there are always exceptions to the rule.
- Covid-19 has been declared a reportable or notifiable medical condition. In general, this means that it has been deemed necessary for information regarding Covid-19 infections to be made available and be processed in order to combat the pandemic. This is however not without its own limitations.
- Once a person tests positive for Covid-19, it falls under the general responsibility of the Department of Health to manage and deal with such information.
- Health officials may disclose this information due to Covid-19 being a notifiable medical condition and mainly for the purposes of contact tracing and containment of the virus.
- This does not mean that the individuals’ personal health information is now deemed to be public knowledge. The health officials must nevertheless process such information in a responsible and reasonable manner for the purpose of which such processing is required.
- Making such information public knowledge may lead to stigmatizing and encouragement of discrimination against individuals, especially with regard to leaners.

TER OPSOMMING	IN CONCLUSION
Diegene wat moet kennis dra van ’n persoon se Covid status sal ingelig word deur middel van die proses van kontaksporing wat deur die Departement van Gesondheid in samewerking met die Departement van Basiese Onderwys, bestuur word (in die geval van openbare skole). Dit is nie vir die skoolhoof of personeel van die skool om te besluit aan wie hierdie inligting, tot welke mate ook al, geopenbaar word nie. Navrae moet verwys word na die tersaaklike gesondheidsbeampte wat die spesifieke geval hanteer.	Those who should be aware of a person’s Covid status will be informed via the contact tracing process which is managed by the Department of Health with the assistance of the Department of Basic Education (in regard to public schools). It is not for a principal or staff members of a school to decide to whom such information must be disclosed and to what extent. Enquiries should be directed to the relevant health officials dealing with the specific case.