

State Analysis Guide

Public Health Collection, Use, Sharing and Protection of Information

This *State Analysis Guide* is intended to assist state health agency staff and legal counsel with locating and analyzing their state’s laws, rules, policies, and implementation plans that govern the public health collection, use, sharing, and protection of information for emergency preparedness and response. Space is provided on the document to insert references or summaries of appropriate state or local authorities. Because each state’s law is unique, this guide may not identify all issues that arise in the course of analyzing a state’s law. **The language and requirements of specific state/local laws, regulations, ordinances, rules, policies, guidances, case law, and other sources of legal authority overrule this general analysis guide in all instances. This resource is for informational purposes only and is not intended as a substitute for professional legal or other advice.**

Issues for Analysis		State/Local Information
Collection and Use of Information		
Identify authority for collection and use of information; for each area identify any prerequisites, conditions, or limitations:		
	General authority.	
	Disease specific.	
	Other conditions (e.g., poisonings, radiologic events, suspected acts of bioterrorism).	
	Catch-all (e.g., unusual occurrence of a disease, infection, or condition).	
	Syndromic surveillance.	
	Public health workforce.	
	Other.	
Identify authority and procedures to conduct investigations and collect evidence; identify any prerequisites, conditions, or limitations.		

Issues for Analysis		State/Local Information
Sharing Information		
Identify authority that allows, requires, or limits sharing of information by public health agencies.		
	General authority.	
	Data practices laws.	
	Health information privacy laws.	
	Right to privacy statutory or common law.	
	With other public health agencies (federal, state, local).	
	With law enforcement (see also, "State Analysis Guide–Sharing Information between Public Health and Law Enforcement," which is part of the Public Health and Information Sharing Toolkit).	
	With public.	
	Other.	
If state law does not sufficiently allow information to be shared when necessary to protect the public, identify options to address rare but compelling circumstances where disclosure is indicated.		
Emergency Declarations		
Identify the state's statute(s) regarding emergency declarations and powers. Identify any provisions that apply to authority to share information or might be used to allow sharing as necessary to respond to an emergency.		

Issues for Analysis		State/Local Information
Protection of Information		
Identify state authority for protecting information; for each area identify any perquisites, conditions, or limitations:		
	Freedom of information laws.	
	Information excluded from definition of public records.	
	Permitted exceptions to disclosure.	
	Information not subject to disclosure under another law.	
	Personal privacy.	
	Investigatory records.	
	Health information or medical records.	
	Business information.	
	National or state security.	
	Other.	
	Other laws.	

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