

Is Partner Notification an Intrude Patients' Privacy? An Analysis of HIV/AIDS Contact Tracing and Public Health Workers' Duty of Confidentiality

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Abstract

Partner services offer substantial benefits to three main groups: persons infected with a HIV/STD, their partners and the community. But how should public health workers conduct contact tracing without intruding privacy or breaching the duty of confidentiality? What if a patient who says s/he will notify a partner and does not follow through? To articulate how to balance the need to inform partners while preserve confidentiality of patients' information, this paper analyzed the duty of confidentiality public health workers owed to patients and the limits of this duty. This article argues that HIV-related information obtained by public health workers through reporting and interviewing with patients is confidential. Public health workers are prohibited from disclosing the information to third parties without patients' consent. But the duty of confidentiality is not absolute; public health workers may disclose confidential information according to the minimal disclosure principle if is a legitimate justification. Public health workers may disclose HIV-related confidential when they reasonably believe a significant risk of infection exists to the contact, the patient has been counseled to notify his/her contacts and public health workers reasonably believe the patient will not inform the contacts, and the patients has been informed of public health workers' intent to disclose. However, since the purpose of contact tracing is to reach people who have been exposed to disease, and then providing an appropriate intervention, the identity of the patient shall not be disclosed to the contact.

Keywords: HIV, AIDS, Partner Notification, Contact Tracing, Confidentiality
