

# ***Jan Swasthya Abhiyan***

**(Peoples Health Movement – India)**

***Health for All - Now!***

***Health is a Basic Human Right!***

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Date: 23.3.2020

Dr. Harsh Vardhan  
Union Minister of Health and Family Welfare  
Ministry of Health and Family Welfare  
Nirman Bhawan,  
New Delhi

Re: Concern over breach of confidentiality of persons suspected of or diagnosed with Coronavirus (COVID-19)

Dear Sir,

We, the members of Jan Swasthya Abhiyan, are extremely concerned with the breach of privacy and confidentiality of persons suspected of or diagnosed with COVID-19. We are aware that this is a public health crisis and measures need to be taken by the State to address its containment and management.

We have come to know through media reports that several of the State governments are placing the names of those suspected of and those who have tested positive for COVID-19 in the public domain. Reports suggest that names and addresses are being or may be published in newspapers and/or uploaded to State government websites. Their names are also being displayed by sticking notices outside the homes of the persons suspected of being COVID-19 stating that “the home is under Quarantine – do not visit”. State governments like Punjab, Delhi, Kolkata and Rajasthan are already following this practice and it is reported that Maharashtra too is going to initiate it.

Displaying names of such persons is not only a breach of confidentiality, it also does not ensure the containment of the disease, rather, it gives a false sense of security that no one else will be infected. These are arbitrary and reactionary measures that do not serve the purpose and would instead cause fear, isolation and stigmatization. Such measures will drive the disease underground, as people will not come forward for testing, and will likely worsen the situation and hence, should not be undertaken at all.

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**Addresses for Correspondence:**

**National Secretariat:** c/o **SAMA**, B-45, 2nd Floor, Main Road Shivalik, New Delhi-110017  
c/o **Delhi Science Forum**, Khasra No.275, West End Road, Saidulajab, New Delhi – 110030  
c/o **Public Health Resource Network**, First Floor, 2/42, Sarvapriya Vihar, New Delhi- 110016  
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We request you to adopt procedures and other measures that would not only contain the disease, but also restore the confidence of the people in the health system. It is important for the authorities to desist from causing potential harm to the person who may be infected, by disclosure of their personal details in the public domain. If disclosure is made it may lead to reluctance to approach the health care facility for treatment and testing. In addition, the distrust that would be created between the doctor and patient on breach of confidentiality must be avoided at all costs.

Trust is the bedrock of the doctor-patient relationship that has serious implications for access to information and health care and should not get affected due to the arbitrary decision of the State to reveal names of patients in the public domain. Therefore maintaining confidentiality is essential.

The State must follow principles which require that confidentiality is always maintained except in certain circumstances detailed below, when it may be permissible to expand the circle of those State authorities who may be taken into confidence:

- (i) When there is an order from a court of law or a statute. The doctor may reveal the identity of the persons to the court or to the authority. But, it does not allow that the court of the authority further reveals the identity of the persons to the general public.
- (ii) In case it is imminent to disclose the identity of the person for the protection of others, where the public interest would outweigh the private interest to maintain confidentiality, consent of the patient is essential.
- (iii) If the person refuses consent, the reasons for refusal should be considered carefully, as stigmatization of the individual and fear of being ostracized are real factors that an individual patient would only know in their own circumstances.
- (iv) An essential step prior to seeking consent and disclosure to the public is the counseling of the person, and making the person understand the importance of taking precautions so that the disease does not spread, and provide complete and adequate information to the person who may have tested positive or is suspected to have the infection, so that they themselves can take the precaution not to spread the disease.
- (v) In case, it is found that the person is not taking precautions and is placing other at a significant risk of exposure, despite counseling, some public health measures may be taken to prevent such a person from infecting others. Quarantine in places with adequate facilities could be resorted to, identifiable persons at significant risk of

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exposure should be tested and counseled, and it should be ensured that all persons are taking adequate precautions not to spread the disease.

In case of death of the patient from COVID-19, it may be important to state it on the cause of death certificate, but such cause should not be revealed to the public at large. Adequate provisions and precautions should be taken by the authorities on the final rites of the person. Confidentiality should be maintained, as it would further stigmatize the bereaved family.

It is essential that the State puts in place all the above mentioned measures, so that the confidence in the public health system is maintained and people are not stigmatized and discriminated against.

The media should also be directed not to reveal the names and addresses of persons with the infection or who are at risk; orders preventing the media from sensationalizing and revealing the names and personal details of the patient and those at risk should be made urgently by the State. (Annexed is an order to this effect by the Government of Odisha, Health and Family Welfare Department, dated 21/03/2020)

We sincerely hope that our concerns will be given serious consideration and that the State governments will be directed to revoke any orders and discontinue any procedures that breach confidentiality of persons diagnosed with COVID 19 and those at risk, without following the above-mentioned principles and procedures with immediate effect.

Sincerely

Sarojini N, Veena Johari, Amar Jesani, Kajal Bharadwaj, Jivika Shiv, Subha Sri, Neelanjana Das, Inayat Kakar, Deepa V, Kamayani, Richa Chintan, Surekha G and Prasanna

On behalf of Jan Swasthya Abhiyan

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