



GREG COX
CHAIRMAN
San Diego County Board of Supervisors

December 16, 2020

Mr. Tom Karlo
General Manager
KPBS
5200 Campanile Drive
San Diego, CA 92182

Dear Mr. Karlo:

The County has learned through conversations between one of your reporters and our Communications Director that you possess and plan to publish an un-redacted copy of the COVID-19 Outbreaks List ("List"). We urge you to reconsider this decision.

As you know, the County has released the List with the names and addresses of businesses redacted. Media outlets sued to obtain an un-redacted version of the list and the Superior Court refused to issue an order releasing the information. (*Voice of San Diego v. San Diego County*)

In the Court's ruling, Judge Wohlfeil supported the County's decision not to release business names and addresses, quoting at length the County's explanation of why maintaining confidentiality was important.

"There is a significant government interest during a pandemic in the candid exchange of information between those linked to these outbreak locations and the Public Health Officer's disease investigators. Contact tracing only works when those that are being interviewed are completely honest and forthcoming with relevant information. The Department of Public Health's investigators assure those they interview that the information they provide will be kept confidential. Many people investigators speak with are fearful that providing the name of the location where they were potentially infected could have negative effects on that location whether it be a church, a restaurant or a place of business. Additionally, it has the potential to reveal the diagnosis of particular individuals if disclosed. Releasing the names of these locations and the addresses will have a chilling effect on the open communication necessary to ensure the Public Health Officer is able to effectively combat active outbreaks."

December 16, 2020
Page Two

"The Public Health Officer must also take measures to protect the medical privacy of those with a communicable disease diagnosis. Specifically, care must be taken to avoid linking a diagnosis to a specific person, or persons-unless doing so is necessary during an active investigation. Naming specific locations, which in many cases is a workplace, will focus in on a potentially small pool of particular individuals. In the field of health privacy, publicly revealing that level of detail is too close of a link to the medical information of specific individuals."

"The Public Health Officer has released certain communicable disease outbreak locations on occasions where a determination has been made that doing so is necessary to prevent the spread of a disease or occurrence of additional cases. For outbreak locations subject to this request, it has been determined that the public release of specific locations is not necessary to prevent the spread of COVID-19, or the occurrence of additional cases. In most instances, the outbreak location information is reported and added to this list well after the outbreak has already taken place, so releasing the names now would do little to protect the public, especially when the business is cooperating with the Public Health Officer, exposed individuals have been notified, and measures have been taken to mitigate the risk of an additional outbreak."

We are troubled that you would ignore these very real consequences of releasing this information. This is not responsible journalism. Substituting your judgement of what will best serve the community's public health for that of a Judge of the Superior Court and the Public Health Officer is damaging to the County's efforts to control this pandemic.

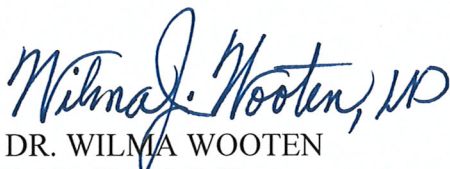
Sincerely,



GREG COX
Chairman



THOMAS E. MONTGOMERY
County Counsel



DR. WILMA WOOTEN
Public Health Officer



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December 20, 2020

Supervisor Greg Cox
County of San Diego
1600 Pacific Highway
San Diego, CA 92101

Chairman Cox,

Thank you for your letter regarding our news investigation of the COVID-19 Outbreak List. I believe that now more than ever public media needs to be a transparent, unbiased, trusted source of news people can rely on. KPBS is committed to covering the news and diving deep into discussions that are top-of-mind in our local, national and international conscience. We want to educate people on the issues and have them come to their own personal decision.

The pandemic is a huge public safety issue impacting every person right now. It would be a disservice to the community to withhold information that would help the public take action to protect themselves and protect others. The public has a right to know potentially life-saving information in the midst of a once-in-a-century health crisis.

Sincerely,

A handwritten signature in black ink that reads "Tom Karlo". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tom Karlo
General Manager
KPBS

