

§ 130A-143. Confidentiality of records.

All information and records, whether publicly or privately maintained, that identify a person who has or may have a disease or condition required to be reported pursuant to the provisions of this Article shall be strictly confidential. This information shall not be released or made public except under the following circumstances:

- (1) Release is made of specific medical or epidemiological information for statistical purposes in a way that no person can be identified.
- (2) Release is made of all or part of the medical record with the written consent of the person or persons identified or the person's personal representative, as defined in 45 Code of Federal Regulations § 164.502.
- (3) Release is made for purposes of treatment, payment, research, or health care operations to the extent that disclosure is permitted under 45 Code of Federal Regulations §§ 164.506 and 164.512(i). For purposes of this section, the terms "treatment," "payment," "research," and "health care operations" have the meaning given those terms in 45 Code of Federal Regulations § 164.501.
- (4) Release is necessary to protect the public health and is made as provided by the Commission in its rules regarding control measures for communicable diseases and conditions.
- (5) Release is made pursuant to other provisions of this Article.
- (6) Release is made pursuant to court order or a subpoena issued by a judicial official. Upon request of the person identified in the record, the record shall be reviewed in camera. In the trial, the trial judge may, during the taking of testimony concerning such information, exclude from the courtroom all persons except the officers of the court, the parties and those engaged in the trial of the case.
- (7) Release is made by the Department or a local health department to a court or a judicial official for the purpose of enforcing this Article or Article 22 of this Chapter.
- (7a) Release is made by the Department or a local health department to a law enforcement official for any of the following purposes: (i) to prevent or lessen a serious or imminent threat to the health or safety of a person or the public, to the extent that disclosure is permitted under 45 Code of Federal Regulations § 164.512(j) and not otherwise permitted by subdivision (4) of this section, (ii) to enforce this Article or Article 22 of this Chapter, or (iii) to investigate a terrorist incident using nuclear, biological, or chemical agents. A law enforcement official who receives the information shall not disclose it further, except (i) when necessary to enforce this Article or Article 22 of this Chapter; or when necessary to conduct an investigation of a terrorist incident using nuclear, biological, or chemical agents; or (ii) when the Department or a local health department seeks the assistance of the law enforcement official in preventing or controlling the spread of the disease or condition and expressly authorizes the disclosure as necessary for that purpose.
- (8) Release is made by the Department or a local health department to another federal, State, tribal, or local public health agency for the purpose of preventing or controlling the spread of a communicable disease or communicable condition.
- (9) Release is made by the Department for bona fide research purposes. The Commission shall adopt rules providing for the use of the information for research purposes.
- (10) Release is made pursuant to G.S. 130A-144(b).

- (11) Release is made pursuant to any other provisions of law that specifically authorize or require the release of information or records related to AIDS. (1983, c. 891, s. 2; 1987, c. 782, s. 13; 2002-179, s. 7; 2011-314, s. 4; 2020-3, s. 4.17(a).)