**Section 693.100 Confidentiality**

a) *All information and records held by the Department and* local health departments or designated agents *relating to known or suspected cases of* STIs *shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act. The Department and* local health departments or designated agents *shall not disclose information and records held by them relating to known or suspected cases of* STIs *publicly or in any action of any kind in any court or before any tribunal, board or agency.* (Section 8(a) of the Act)

b) Information and records contained in databases maintained by the Department, certified local health departments, or designated agents containing the information described in subsection (a) shall not be released for the purposes of matching with other State agency databases, except to the Illinois Department of Healthcare and Family Services for the sole purpose of treatment of a person living with HIV subject to state, federal and tribal confidentiality statutes and regulations.

c) *The information shall not be released or made public* by the Department, local health departments or designated agents, or by a court or parties to a lawsuit upon revelation by subpoena, or *by a court conducting proceedings authorized by Section 6(c) of* the *Act, except that release of the information may be made under the following circumstances*:

1) *When made with the consent of all persons to which the information applies* (Section 8(a)(1) of the Act);

2) *When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed* (Section 8(a)(2) of the Act);

3) *When made to medical personnel*, the Department, local health departments or designated agents for care and treatment purposes, including for the purposes of ensuring that medical providers can attempt to re-engage persons with HIV in care and to provide partner services*, appropriate State agencies* expressly charged in the Act and this Part with enforcement of the provisions of the Act, *or courts of appropriate jurisdiction to enforce the provisions of* the *Act and* this Part (Section 8(a)(3) of the Act);

4) When authorized by 77 Ill. Adm. Code 697.210 (HIV/AIDS Confidentiality and Testing Code);

5) When authorized by the AIDS Confidentiality Act.

d) *A court hearing a request for the issuance of a warrant as authorized in Section 6(c) of* the *Act shall conduct those proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal*. (Section 8(c) of the Act)

e) *No employee of the Department*, a local health department, or designated agent *shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined*, tested, *or treated for* an STI,or a contact of the person, *by the Department*, a local health department or designated agent *pursuant to the provisions of* the *Act, or concerning the existence or contents of reports received from a* health care professional or *health care facility, pursuant to the provisions of* the *Act, without the consent of the person examined*, tested or *treated*, or a contact to an STI*, except in proceedings under Sections 6 and 7 of* the *Act*. (Section 8(d) of the Act)

f) All *information and records held by the Department*, a local health department, or designated agent *pertaining to* health care contact risk assessment and notification activities *shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. The information and records shall not be released or made public by the Department*, a local health department, or designated agent*, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure* (Product Liability) [735 ILCS 5] *except under the following circumstances*:

1) *When* disclosure is *made with the written consent of all persons to whom this information pertains;*

2) *When authorized under Section 8* of the Act *to be released under court order or subpoena pursuant to Section* 12-5.01 *of the Criminal Code of 1961; or*

3) *When* disclosure is *made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of* the *Act. The disclosure shall conform to the requirements of Section 8(a) of* the *Act.* (Section 5.5 of the Act)

g) *Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under* Section 5.5 of the Act *is guilty of a Class A Misdemeanor.* (Section 5.5(d) of the Act)

(Source: Amended at 44 Ill. Reg. 15764, effective September 1, 2020)