



## Digital Vaccine Passport

# December 2021

Dear Friends,

I have been overwhelmed, and justifiably so, with emails from concerned Oregonians opposed to both vaccine mandates and a vaccine passport. I am currently in communication with OHA Director Allen to get answers to the many questions, both from Oregonians and myself, that need a response. **The concern of many, including myself, is the bold step taken by OHA to digitize personal information for the use of employers and places of business to separate vaccinated from unvaccinated. More division!** This was a step taken without consideration of any known input from Oregonians or legislators. Simply put by OHA, they don't need input and do not have to get input from anyone. They already have these records. They're stored in the ALERT IIS system, with the exception of those who receive vaccinations through a federal source such as the VA or the Indian Health Service. **All others are reported to the ALERT IIS system. Think about that.** OHA claims they are simply making it more convenient for people to access their own records stored in the ALERT IIS system. ***Bottom line, this action is neither the result of legislative action nor rulemaking. It will happen. There is no stopping it.***

This "Digital Vaccine Record project" (*vaccine passport*) is being marketed as *not* a vaccine passport, but as an optional tool for individuals to access their government held records who may have to show proof of vaccination and don't have their CDC card with them. **HIPAA law does not apply, according to OHA, because HIPAA only applies to health care workers and not businesses.** It is also being marketed as voluntary and not required (*for now*); that the individual chooses who they share it with (*until they are forced to share it in order to function in society*). Like you, this feels to me like the "camel's nose under the tent." Though it isn't mandatory now, it could easily become so if the legislature decided to make that happen or if the governor decided to issue another diktat. Since the "Digital Vaccine Record project" (*another name for vaccine passport*) cannot be stopped, we have to keep watch and do everything we can to *keep* it voluntary. Making it mandatory is the last thing we need to put citizens through.

Please read the latest update from OHA below.

Thanks,



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Senators and Representatives:

Many of you shared constituent emails over the last couple of days regarding the Digital Vaccine Record project. People in Oregon who are asked to show proof of vaccination currently can share the Centers for Disease Control and Prevention paper vaccination card, a photo of that card, an electronic record provided by a health care provider, or a paper copy of a record provided by their provider. The Digital Vaccine Record project will help streamline proof of vaccination currently used by businesses and will be an **optional** tool for people and businesses to use.

This project **does not require** any new rulemaking or proposed policy. We have compiled the following FAQs for you and your constituents:

**Q: If there a public comment period about the digital vaccine record?**

**A:** Developing the optional digital vaccine record does not involve new policies or rules, and there is no public comment period.

**Q: How will OHA maintain the data associated with the digital vaccine record?**

**A:** OHA maintains the vaccine records data base, the ALERT immunization information system. The digital vaccine record will access COVID-19 vaccine data through the ALERT immunization information system. That is the only data the new tool will access, and it will only access this information for the voluntary users of the tool. Information will not be shared that has not been authorized by the user.

**Q: Is using the digital vaccine record mandatory?**

**A:** No. The digital vaccine record is completely voluntary. It is intended to be one more option for individuals to share their vaccination status if they choose to.

**Q: Is the digital vaccine record a “a vaccine passport”?**

**A:** No. The digital vaccine record provides the user with an electronic copy of their CDC COVID-19 vaccination card. This is similar to the digital copy that some health care providers are giving to their patients. Oregon’s digital vaccine record will provide people an additional option to share their vaccination status if a business asks for verification.

**Q: Is it a violation of protected health information for a business to ask to proof of vaccination?**

**A:** No. The Health Insurance Portability and Accountability Act of 1996

(HIPAA) applies only to health care providers.

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