

December 2, 2021

To: All Employees
From: Lisa M. Garrett
Director of Personnel

ADDRESSING EMPLOYEE QUESTIONS REGARDING FULGENT GENETICS

The Department of Human Resources (DHR) is aware of questions and concerns regarding Fulgent Genetics (Fulgent), the County's COVID-19 testing provider, and data security. This memo is intended to provide the facts regarding Fulgent, data security, and testing.

Important facts you should know:

- Fulgent is an American company, publicly traded in the NASDAQ stock exchange, and is certified by the U.S. Food and Drug Administration (FDA), accredited by the College of American Pathologists, and licensed by the California Department of Public Health.
- Fulgent is a national provider of COVID-19 tests and has contracts to perform COVID-19 testing for several federal agencies, as well as multiple states, counties, school districts, cities and large companies.
- To test unvaccinated County employees, Fulgent uses FDA-approved COVID-19 RT-PCR tests. In such testing, County employees' genetic information is not isolated or sequenced. Rather, the test looks for the genetic markers of the COVID-19 virus only. Fulgent is not authorized to review, analyze, use, extract or disclose any employee genetic data, and test samples are destroyed via incineration within 48 hours.
- DHR is aware of concerns that Fulgent may be sharing employees' genetic information with the Chinese government. **The County has no evidence from any law enforcement agency or any other source that any County employee data has been or will be shared with the Chinese government.**
- The County has worked with Fulgent to proactively address employees' data privacy concerns, including facilitating a meeting between Fulgent and the County's labor representatives to discuss Fulgent's data practices and respond to questions. The County will continue to work affirmatively with Fulgent to ensure all County employee data remains safe and secure, consistent with our contractual requirements and applicable law.
- To keep our workplaces safe for all during this pandemic, we continue to encourage employees to protect themselves by becoming fully vaccinated; while those who cannot be vaccinated due to a medical or religious reason should continue to test to safeguard themselves, their families, and the public we serve.

Fulgent Contract Requirements and Data Protection

The County contracted with Fulgent, an existing vendor with the County, to maintain employee vaccination records and conduct required regular COVID-19 testing, in compliance with the County's COVID-19 Vaccination Policy.

Fulgent is, by law and contract, required to protect patient privacy and safeguard patient health information in accordance with the Health Insurance Portability and Accountability Act (HIPAA) and all other applicable privacy laws.

In addition, the County's contract with Fulgent includes important data and privacy safeguards. The County's Chief Information Officer (CIO) reviewed and approved the contract before it was executed and includes the County's standard Information Security and Privacy Requirements, which require Fulgent to abide by all applicable state and federal laws, rules and regulations, as well as applicable industry standards concerning privacy, data protections, information security, confidentiality and integrity of such information. Fulgent must treat all County information as confidential and encrypt County information, which renders County information unusable, unreadable, and indecipherable to unauthorized individuals. Importantly, **the contract requires Fulgent to store and process County employee information only in the continental United States.**

COVID-19 Testing

Again, to test unvaccinated County employees, Fulgent uses COVID-19 RT-PCR tests. In such testing, County employees' genetic information is not isolated or sequenced rather, the test looks for the genetic markers of the COVID-19 virus only. Fulgent does not review, analyze, use, extract or disclose any employee genetic data. All test samples are destroyed within 48 hours.

Employee Resources

Please visit <https://employee.hr.lacounty.gov/vaccinationsmandate/> and read the Frequently Asked Questions, if you have additional questions or concerns regarding Fulgent.

As always, we encourage you to reach out to us if you have additional questions or concerns, with the following resources: the LA County Employee Hotline at (833) 990-2352 or email us at COVID19@hr.lacounty.gov.