



Action Committee on Court Operations in Response to COVID-19

CONTACT TRACING WITHIN COURT OPERATIONS

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts.

NOTICE: *This document highlights best practices when the epidemiological situation and relevant risk assessments call for enhanced public health measures to control the spread of COVID-19 in a court environment. Please contact local public health authorities for current requirements, which may differ from the practices outlined in this document, and your local Occupational Health and Safety regulator for current guidance specific to the*

The Action Committee on Court Operations in Response to COVID-19 has released this Tip Sheet to help guide the safe resumption or continuation of court operations in Canada.

This Tip Sheet is intended to share information on practices adopted throughout various jurisdictions in Canada as it relates to contact tracing and court operations. In the exercise of due diligence and responsible stewardship, control measures are likely to evolve with knowledge related to the risks posed by COVID-19 and the usefulness of such measures to mitigate those risks. And as contact tracing is a provincial or territorial lead, any specific questions or issues should be referred to the local public health authority or legal counsel supporting contact tracing.

CONTACT TRACING – PURPOSE AND PROCESS

Court operations play an integral role in the Canadian justice system. One of the many issues faced by the courts during the pandemic are challenges identifying those who may have been exposed to COVID-19 to ensure the safety of justice participants and the public.

Led by the provinces and territories, contact tracing is the process of getting in touch with people who may have been exposed to the COVID-19 virus and making sure they are taking measures to control its spread. This is done so these individuals can be informed of their possible infection and take measures to self-isolate and be monitored for symptoms. This helps to ensure they receive the necessary care and treatment and helps prevent further transmission.

Should a person receive a positive test for COVID-19 conducted at a testing facility, they will be contacted by the local public health authority. Among other things, the person conducting the contact tracing may interview the person to identify people they have spent time with. These people are generally referred to as “contacts”. In turn, the local public health authority may get in touch with these contacts and asks them about COVID-19 symptoms. Contacts with symptoms should be tested and may be required to self-isolate, while contacts with no symptoms may be asked to self-isolate according to public health requirements. Overall, the process of contact tracing assists people receiving an earlier diagnosis and reduces the



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chance of spreading the virus. It should be noted that the protocols for contact tracing may vary depending on the policies and practices of the local public health authority.

RECOMMENDATIONS FOR INTEGRATING CONTACT TRACING WITHIN COURT OPERATIONS

- Wherever called for, feasible, and subject to applicable legislation, it is recommended that information be collected for contact tracing purposes to support the local health authority. Practically speaking, this information is primarily done through the screening process upon entry to the court facility. Court personnel may request individuals attending the court facility to provide information such as their name, contact information (phone or e-mail address), date and time of visit and specific areas to be visited in the facility. In the event of a COVID-19 outbreak, this information would assist the local public health authority to identify the names and contact information of persons in attendance at a court location during a specific timeframe for the purposes of contact tracing.
- A designated point of contact should be identified as responsible to act as a primary liaison between court personnel and the local public health authority (e.g., to assist the public health authority to identify and notify any persons exposed to COVID-19 at the court facility). This designated official may also act as a point of contact for any questions arising from the application of this Tip Sheet.
- Protocols should be established in accordance with the laws, regulations and policies of that particular jurisdiction on the proper handling, storage, retention, dissemination and destruction of any personal information collected for the purposes of contact tracing.
- A communications strategy on contact tracing should be established to inform court users and personnel of any positive cases in the courts in a timely manner, and of response measures taken to notify exposed persons. This communications strategy should integrate advice from the local public health authority to ensure the continued health and safety of all court users and personnel while protecting the privacy and personal information of those who have tested positive or been exposed to COVID-19.

RESOURCES AND REFERENCES

- Government of Canada: [*Statistics Canada and Contact Tracing*](#)
- Government of Ontario, Ministry of the Attorney General: [*COVID-19: Recommended Precautionary Measures Resuming Court Operations*](#)
- Canadian Centre for Occupational Health and Safety: [*COVID-19: Contact Tracing*](#)