

Written responses from Fulgent, CCU Meeting of 10/20/2021

1. What tests is Fulgent using in performing the testing function in the County's implemented COVID-19 vaccination/testing policies? More specifically, is Fulgent using diagnostic or antibody tests, and within each category, what types of tests?

Fulgent is conducting diagnostic RT-PCR testing for COVID-19, targeting viral RNA using CDC-recommended probes.

2. Do the tests Fulgent is using test for anything other than COVID-19? If so, what other conditions do the tests identify?

The test is also able to identify the presence of influenza A and B, however, LA County administrators have declined this option. It is important to note that any testing beyond this scope would be impossible, as no DNA is extracted from COVID-19 RT-PCR samples, so there is no human genetic analysis performed.

3. What medical information, including medical and medication history, does Fulgent gather as part of the testing process?

No medical history or medication data is collected during LAC-Fulgent data transfer or subsequent participant registration. Individuals that submit test samples will participate in a brief on-site health screening that includes yes or no questions pertaining to recent hospitalization, pregnancy, and whether a participant is currently symptomatic. Participants may decline to answer any of these questions, and responses are not shared with LA County program administrators.

4. What information from each test does Fulgent retain, and where? If any medical information is gathered by Fulgent as part of the testing process, how does Fulgent store the information.

LA County provides Fulgent with participant name, assigned department, employee or contractor ID number, and DOB (in some cases). During registration, the LAC-Fulgent system will verify that the data entered by the registrant matches County provisions. Once verified, a participant will advance to provide vaccination data (manufacturer and date of administration for each dose received).

Based on the vaccination information provided, a non-fully vaccinated participant is subsequently asked to provide their home address, race, ethnicity, sexual orientation, and gender as these demographics are required for laboratories issuing reports to health authorities per the California Code of Regulations (the latter four fields also have a "Prefer Not to State" option, and there are no consequences for selecting that answer). LA County has also requested that Fulgent attempt to collect insurance information from participants submitting a sample for testing, though there is no penalty for declining to do so. None of these inputs are shared with LA County.

Apart from the above, the only additional information that Fulgent retains is the final diagnostic result of any tests submitted. All information is digitally stored within the LAC-Fulgent SOC2 Type 2-certified and HIPAA-compliant web portal. For individuals submitting test samples, records are also securely maintained in the Fulgent laboratory information management system (accessible only by Fulgent personnel with appropriate HIPAA clearance).

5. To what purposes other than registering compliance with the County's testing regimen does Fulgent put the information gathered as part of the testing process? In particular, does Fulgent use the information, whether anonymized or not, for its own purposes?

Fulgent will never use information collected for COVID-19 testing for its own purposes. All information collected is required for either (A) identity verification during the registration process, or (B) reporting to local and state health authorities for the purposes of tracking and trending the impact of COVID-19 on different communities.

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6. How long will Fulgent retain information gathered as part of the testing process, and will it notify employees when information relevant to the employee is deleted?

All LAC employee and contractor information will be removed from the LAC-Fulgent portal upon termination of the existing services contract. For individuals who have submitted COVID-19 tests, test results and associated protected health information will remain in our laboratory information system for a period of 3 years as mandated by CLIA and California state guidelines. The test samples themselves are disposed of by incineration after 48 hours. Fulgent does not currently send notice of data removal.