

Subject: Fulgent website for COVID vaccination tracking

(Sir, ma'am, HR person)

This email will serve as my notification to the Department, and the County, that I will not be placing my information on the Fulgent website as mandated.

Outlined on the Fulgent website that the County is mandating employees to enter their data into, presents some security concerns with data being stored overseas, where less stringent privacy protections exist. Listed in Fulgent's privacy policy it states the following in part:

"INTERNATIONAL TRANSFERS OF PERSONAL INFORMATION We may store, process and transmit personal information in locations around the world, including locations outside of the country or jurisdiction where you are located. **Such countries or jurisdictions may have data protection laws that are less protective than the laws of the jurisdiction in which you reside. If you do not want your information transferred to or processed or maintained outside of the country or jurisdiction where you are located, you should not use our Services.** We transfer your personal information subject to appropriate safeguards as permitted under the applicable data protection laws. Specifically, when your personal information is transferred out of the Designated Countries, we have the required contractual provisions for transferring personal information in place with the third parties to which your information is transferred. For such transfers, we rely on legal transfer mechanisms such as Standard Contractual Clauses, or we work with US-based third parties that are certified under the EU-US and Swiss-US Privacy Shield Framework."

I do not agree with my Personal Identifiable Information being stored overseas where there are less stringent privacy protections.

Fulgent's Privacy Policy also states they will collect "patient samples" (genetic data) and may use it for research. Fulgent can also share these "samples" or any other personal data you provide to them with its affiliates, including but not limited to "commercial collaborations with private companies for research purposes". See their policy below:

- For quality control and validation:

In accordance with regulatory requirements, ***we may de-identify, store and use patients' samples and information for internal quality control, validation, research and development.*** This is an important use for Fulgent to maintain our high quality Services and to develop new Services.

In accordance with regulatory requirements, we may also share de-identified patients' samples and information for quality assurance and validation purposes. Such sharing is essential to maintaining the quality of genetic testing in testing laboratories.

- For research purposes:

We may contribute de-identified genetic variants that we have observed in the course of providing our Services to publicly available databases.

***We may use or disclose de-identified patient information for general research purposes.*** This may include research collaborations with third parties, such as universities, hospitals, or other laboratories, in which we utilize de-identified clinical cases at the individual or in the aggregate, and we may present or publish such information. ***This may also include commercial collaborations with private companies for research purposes.***

These are just a few examples of things I do not agree with regarding Fulgent's Privacy Policy. There are several additional concerns that I have with their privacy policies.

Fulgent's Privacy Policy states, that if I do not agree with the terms and conditions of their policy I should not use their services, see below.

"ACCEPTANCE OF THIS PRIVACY POLICY Before you use our Services (whether you are a provider or a patient), please read the Fulgent Terms of Service, and the Patient Portal Addendum, if applicable. By accepting the applicable Terms of Use, you agree with our privacy practices as described in this Policy. **If you do not agree with the terms of this Policy, please do not access the Websites or use our Services.**"

I have attached the privacy policy, terms of service, and the informed consent that Fulgent has listed on their website (<https://www.fulgentgenetics.com/>).

To conduct COVID-19 testing through Fulgent, I would be required to agree to their privacy policy, terms of service, and their informed consent.

Based on the above information that Fulgent is disclosing on their privacy policy, terms of service, and informed consent, I do not agree to their terms and will not be giving my information to them. I do not agree to having any of my Personal Identifiable Information or Genetic Information shared outside of the County, State, or Country, which based on their privacy policy will occur.

By mandating me, with or without threats of discipline, to register with Fulgent, the department is forcing and/or coercing me to surrender my privacy rights which are guaranteed to me by the California State Constitution. If I am forced/threatened to sign up with Fulgent, I would be doing so under duress.

I will not wave/surrender my rights to privacy, and invoke my rights guaranteed to me by the U.S. Constitution and the Bill of Rights, the California State Constitution, the California Unruh Civil Rights Act (civil code section 51 prohibits discrimination based on "disability, medical condition, genetic information"), and the U.S. Genetic Information Nondiscrimination Act of 2008 (GINA).

Additionally, The County, the Department, and You have indicated, I will be subject to discipline, in the event I do not furnish my confidential and personal information to Fulgent Genetics. Consequently, I am hereby invoking my rights under Skelly VS. State Personnel Board (1975) 15 CAL.3d 194 and expect that my due process rights, mandated by the California Supreme Court in that case, be extended to me.

I want to reiterate, that I am not being insubordinate to the County mandate, I am informing you that I do not agree to the privacy policy, terms of service, and informed consent of the third-party company (Fulgent) that the County has selected to house and maintain Personal and Genetic Information for County employees regarding vaccination status and testing.

Thank you,

(Your name here)