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**From:** Krystal Houde [REDACTED]  
**Sent:** Monday, December 13, 2021 10:04 AM  
**To:** Comments  
**Subject:** [EXTERNAL MESSAGE] November 16, 2021 - Privacy Act of 1974; System of Records; Comment Request (FDIC-036)

The information requested for this system of records notice (SORN), namely the collection of information contained in FDIC-036 Ensuring Workplace Health and Safety in Response to a Public Health Emergency, 86 Fed. Reg. 63384 (November 16, 2021), is inappropriate, overly broad, unnecessary, and excessive.

First, asking about an individual's dependent care is not appropriate. "High-risk" is not defined in this document. This item would disparage employees who have young or school-aged children or aging parents (assuming they are considered "high-risk"), all of which are protected classes. The language in this notice states this information will be gathered and used against an employee of the FDIC to restrict their ability to work or require invasive tests and treatments because of who the employee may live with or provide care to.

Second, asking about an individual's "health information" is not appropriate and overly broad. As a working adult, capable of maintaining employment, an individual's self-assessment of health is sufficient to ensure individuals don't work when sick or when their illness would expose others to potential harm. The FDIC should not have the authority to collect body temperature, confirmation of pathogen or communicable disease test, test results, and immunization or vaccination information, which is all unnecessary and excessive. One, this notice does not discern what immunization or vaccination information can be gathered. Does this include childhood records and military records? Two, this notice does not discern what test results. Does this include, for example, urinalysis, tuberculosis results, oncology tests, pregnancy tests, AIDS test, or herpes test? The list is practically infinitely long if you include all the test results that are possible. A pathogen by definition is "a bacterium, virus, or other microorganism that can cause disease." A disease is also equally broad to include "a disorder of structure or function in a human, . . . especially one that produces specific signs or symptoms or that affects a specific location and is not simply a direct result of physical injury." Is the FDIC collecting information about sinus infections? Gastroenteritis? Syphilis? Those are pathogens. The application of this language is limitless. Three, nothing in this language ties "health information" and tests to the respective public health emergency. Does a COVID-19 breakout authorize the FDIC to collect pregnancy information? Cancer diagnoses?

Third, asking visitors for confirmation of pathogen or communicable disease test, vaccine status, and test results is equally inappropriate and unnecessarily invasive. A visitor's assessment to health is sufficient. Also, this language is unreasonably broad. What vaccine status is required? MMR? Yellow Fever? Measles? HPV?

Fourth, this notice is effective during a "public health emergency (as defined by the U.S. Department of Health and Human Services and declared by its Secretary)." Such a declaration does not make allowances of individual work environments and abilities to work remotely to accomplish the same mission of a safe and healthy workplace. The FDIC has demonstrated for nearly two years that it can accomplish its mission without the knowledge solicited by this notice and maintain a safe and healthy workplace. Additionally, there is no expiration date. We have been in a public health emergency for nearly two years. By definition, an emergency is "unexpected and usually dangerous situation that calls for immediate action; unforeseen combination of circumstances . . . calling for immediate action; an urgent need for assistance." After two years, there is nothing "unexpected" about COVID. There is also nothing "immediate" about two years. This SORN does not specifically speak to COVID, but there should be a limited timeframe that the FDIC has this authority – it cannot and should not be indefinite as it appears now.

I am committed to the FDIC, its mission, and keeping its employees safe. That can be accomplished without this overreach of authority and invasion to unnecessary and excessive private medical information.