

Privacy – MODEL Facility Policy

POLICY NAME: Determination, Uses and Disclosures of De-Identified Information

DATE: (facility to insert date here)

NUMBER: (facility to insert number here)

Purpose: To facilitate compliance with the Health Insurance Portability and Accountability Act (HIPAA) Standards for Privacy of Individually Identifiable Health Information (Privacy Standards), 45 CFR Parts 160 and 164, the Health Information Technology for Economic and Clinical Health Act (HITECH) component of the American Recovery and Reinvestment Act (ARRA), and any and all other Federal regulations and interpretive guidelines promulgated hereunder. To provide specific guidance regarding the definition of, and the uses and disclosures of de-identified information, as required by the HIPAA Privacy Standards.

Policy: Protected health information (PHI) may be used to create information that is not individually identifiable, *i.e.*, de-identified, or disclosed to a Business Associate for such purpose, whether or not the de-identified information is to be used by the facility. Health information that does not identify an individual, and for which there is no reasonable basis to believe that it can be used to identify an individual, is not PHI and is no longer covered by the HIPAA Privacy Standards.

Procedure:

1. Health information may only be determined as being de-identified when:
 - A person with appropriate knowledge of, and experience with, generally accepted statistical and scientific principles and methods for rendering information not individually identifiable:
 - Applying such principles and methods, determines that the risk is very small that the information would be used, alone or in combination with other reasonably available information, by a recipient to identify the individual who is the subject of the information; and
 - Documents the methods and results of the analysis that justify such determination;
 - OR
 - The following identifiers of the individual, relatives, employees or household members are removed:
 - Names;
 - All geographic subdivisions smaller than a state including street address, city, county, precinct, ZIP code, and their equivalent geocodes, except the first three (3) digits of a zip code can be used if:
 - The geographic unit formed by combining all zip codes with the same first three (3) digits contains more than 20,000 people;
 - The first three digits for all zip codes containing 20,000 or fewer people is changed to 000; and

- The foregoing is determined using the current publicly available data from the Bureau of the Census.
 - All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, death date, and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
 - Telephone numbers;
 - Fax numbers;
 - Electronic mail addresses;
 - Social security numbers;
 - Medical record numbers;
 - Health plan beneficiary numbers;
 - Account numbers;
 - Certificate/License numbers;
 - Vehicle identifiers and serial numbers, including license numbers;
 - Device identifiers and serial numbers;
 - Web universal resource locators;
 - Internet protocol address numbers;
 - Biometric identifiers, including finger and voice prints;
 - Full face photographic images and any comparable images; and
 - Any other unique identifying number, characteristic or code, except as permitted below; and
 - The facility does not have actual knowledge that the information could be used to identify an individual who is the subject of the information.
2. A code or other means of record identification may be assigned to allow information that has been de-identified to be re-identified provided that:
- The code or other means is not derived from or related to information about the individual and is not otherwise capable of being transcribed so as to identify the individual; and
 - The code or other means is not used or disclosed for any other purpose and does not disclose the mechanism for re-identification. Disclosure of the code or other means constitutes disclosure of PHI.
 - If de-identified information is re-identified, such re-identified information may be used or disclosed only as permitted or required by the HIPAA Privacy Standards.

References:

Health Information Portability and Accountability Act (HIPAA), Standards for Privacy of Individually Identifiable Health Information, 45 CFR Part 164, Section: 164.514(a)
Patient Privacy Program Requirements Policy, IP.PRI.001
Limited Data Set and Data Use Agreements Policy
American Reinvestment and Recovery Act of 2009, Title XIII, Subtitle D