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Revised Date: 5/31/13
Review Date: 6/13/13

North Sound Mental Health Administration

Section 2500 – Privacy: De-Identification and Limited Data Sets

Authorizing Source: RCW 70.02; 45 CFR 165 (HIPAA)

Cancels:

See Also:

Providers must have own "HIPAA & WAC compliant policy"

Responsible Staff: Privacy Officer

Approved by: Executive Director

Signature:

Date: 7/17/2013

POLICY #2503.00

SUBJECT: DE-IDENTIFICATION AND LIMITED DATA SETS

PURPOSE

The North Sound Mental Health Administration (NSMHA), in compliance with the Privacy Rules of Health Insurance Portability and Accountability Act (HIPAA's) Administrative Simplification provisions and the Health Information Technology for Economic and Clinical Health (HITECH) Act, sets out in this policy the process for creating and using de-identified health information and limited data sets.

POLICY

NSMHA will create de-identified health information for use or disclosure in any circumstance where that information can be used, effectively and efficiently, in place of Protected Health Information (PHI).

We will consider PHI to be de-identified health information if it meets one of the two following criteria:

1. A qualified statistician (a person with appropriate knowledge and experience with generally accepted statistical and scientific principles and methods), applying such principles and methods, has determined that the risk is very small that the information could be used alone, or in combination with other reasonably-available information, by an anticipated recipient to identify an individual, and documents the methods and results of the analysis that justify such determination.
2. All of the following identifiers have been removed and NSMHA does not have actual knowledge that the remaining information could be used, alone or with other information, to identify an individual who is the subject of the information:
 - a. Names of individual, relatives, or household members;
 - b. Geographic subdivisions smaller than a state, except for the initial 3 digits of a zip code for geographic area with more than 20,000 people;
 - c. All elements of dates (including birth, admission and discharge dates, and dates of death), except for the year, for all individuals under 89, and all elements of dates for those over 89 except for presentation as a single over-90 category;
 - d. Telephone or fax numbers or e-mail addresses, Universal Resource Locators (URL) or Internet Protocol (IP) addresses;
 - e. Social security numbers;
 - f. Medical record numbers;
 - g. Health plan beneficiary numbers;
 - h. Account numbers;
 - i. Certificate or license numbers;
 - j. Vehicle identifiers and serial numbers;
 - k. Device identifiers and serial numbers;
 - l. Biometric identifiers such as finger or voice prints;

- m. Full face photographic images and the like; or
- n. Any other unique identifying number, code, or characteristic except for a re-identification code.

The re-identification code may not be derived from, or related to, information about the individual and may not be otherwise translatable to identify the individual. We will not use or disclose the code for any purpose, nor the means of re-identification.

- 3. NSMHA will create limited data sets for use or disclosure in any circumstance where that information can be used, effectively and efficiently for research, public health or health care operations.
- 4. We will consider PHI to be in the form of a limited data set if it excludes the following direct identifiers of our clients, their relatives, employers, or household members:
 - a. Names;
 - b. Postal address information, other than town or city, state, and zip code;
 - c. Telephone numbers;
 - d. Fax numbers;
 - e. Electronic mail addresses;
 - f. Social security numbers;
 - g. Medical record numbers;
 - h. Health plan beneficiary numbers;
 - i. Account numbers;
 - j. Certificate/license numbers;
 - k. Vehicle identifiers and serial numbers, including license plate numbers;
 - l. Device identifiers and serial numbers;
 - m. Web URL;
 - n. Internet Protocol address numbers;
 - o. Biometric identifiers, including finger and voice prints; and
 - p. Full face photographic images and any comparable images.
- 5. Any use or disclosure that we make of a limited data set must take place pursuant to a data use agreement. This data use agreement must include the following requirements:
 - a. That the limited data set recipient(s) will use or disclose information for the limited purposes described in the agreement and not further disclose the information in a way that would be inconsistent with the privacy regulation as it would apply to NSMHA itself;
 - b. That only the recipient(s) specified in the agreement may use or receive the limited data set;
 - c. That the recipient(s) will not use or further disclose the information in a manner that violates the data use agreement or the law and will use appropriate safeguards to prevent any uses or disclosures other than the permitted uses or disclosures;
 - d. That the recipient(s) will report to the covered entity any use or disclosure of PHI in the limited data set, which is not included in the data use agreement, of which it becomes aware;
 - e. That the recipient(s) will assure that any subcontractor who is provided with a limited data set agrees to the same restrictions and conditions as apply to the recipient(s); and
 - f. That the recipient(s) will not identify the information or contact the individuals.

6. Should NSMHA become aware of a pattern of activity or practice by a recipient that constitutes a material breach of the data use agreement, we will discontinue disclosure to that recipient and report the problem to the Secretary of Department of Health and Human Services and/or the OCR.
7. Documentation retention requirements include:
 - a. Policies and procedures for de-identification and limited data sets; and
 - b. Statistical documentation supporting a de-identified record set.
8. Other policies and procedures to review that are related to this policy:

Administrative requirements – documentation retention

ATTACHMENTS

2503.01 – Procedure 2503-A