



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: PRIVACY: DE-IDENTIFIED PROTECTED HEALTH INFORMATION, LIMITED DATA SETS, DATA USE AGREEMENTS	Policy Number	Page Number: Page 1 of 4
	Date Adopted:	Revised Date:

BACKGROUND:

The Health Insurance Portability and Accountability Act (“HIPAA”) provides standards how individual protected health information (“PHI”) can be used and disclosed with de-identified information, a limited data set and data use agreement.

NOTE: HIPAA will not supercede any contrary State law that imposes more stringent privacy protections.

POLICY:

1. General
 - a. Unless otherwise restricted or prohibited by federal or state law, El Dorado County may use or disclose de-identified information as specified in this policy.
 - b. El Dorado County may use or disclose a limited data set as specified in this policy.

2. De-Identified PHI [45 CFR § 164.514(a)]
 - a. De-identified PHI is information with certain identifiers blocked or deleted in such a manner that there is no reasonable basis to believe the remaining information can be used to identify an individual. De-identified information is not considered individually identifiable health information or PHI if either (i) or (ii) below is applied:
 - i. A person with the appropriate knowledge and experience with generally accepted statistical and scientific principles applies the methods to render PHI as de-identified and:
 - A. It has been determined there is minimal risk the information could be used alone or in combination with other reasonably available information by the recipient to identify an individual who is a subject of the information;
 - B. The method(s) to de-identify the PHI is documented and the analyses justifies such determination, or
 - ii. The following identifiers of the individual or the individual’s relatives, employers, or household members have been removed:
 - A. Names;



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- B. All geographic subdivisions smaller than a state including street address, city, county, precinct, and zip code. However, the initial three digits of a zip code may remain, if according to the current publicly available data from the Bureau of the Census:
 - I. The geographic unit formed by combining all zip codes with the same initial three digits contain more than 20,000 people or,
 - II. The initial three digits of a zip code containing less than 20,000 people are changed to 000.
 - C. All elements of dates (except year) for dates directly related to an individual, including the birth date, admission date, discharge date, and date of death; all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may aggregated into a single category of age 90 or older;
 - D. Telephone numbers;
 - E. Fax numbers;
 - F. Electronic mail addresses;
 - G. Social security numbers;
 - H. Medical record numbers;
 - I. Health plan beneficiary numbers;
 - J. Accounts numbers;
 - K. Certificates/license numbers;
 - L. Vehicle identifiers and serial numbers, including license plate numbers;
 - M. Device identifiers and serial numbers;
 - N. Web Universal Resource Locators (URLs);
 - O. Internet Protocols (IP) address numbers;
 - P. Biometric identifiers, including finger and voice prints;
 - Q. Full face photographic images and any comparable images and;
 - R. Any other unique identifying number, characteristic, or code, except as permitted.
- b. El Dorado County does not have actual knowledge that the de-identified information could be used alone or in combination with other information to identify an individual who is a subject of the information.



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- c. El Dorado County may assign a code or other means of record identification to allow de-identified information to be re-identified provided:
 - i. The code or other means of record identification is not derived from or related to information about the individual and is not otherwise capable of being translated so as to identify the individual; and
 - ii. The code or other means of record identification is not used or disclosed for any other purpose and the mechanism for re-identification is not disclosed.

3. Limited Data Set [45 CFR § 514(e)]

- a. El Dorado may use or disclose a limited data set if the County enters into a data use agreement with the limited data set recipient. A limited data set is PHI which excludes the following direct identifiers of the individuals or the relatives, employers, or household members of the individual:
 - i. Names,
 - ii. Postal address information, other than town or city, state, and zip code,
 - iii. Telephone numbers,
 - iv. Fax numbers,
 - v. Electronic mail addresses,
 - vi. Social security numbers,
 - vii. Medical record numbers,
 - viii. Health plan beneficiary numbers,
 - ix. Accounts numbers,
 - x. Certificate/license numbers,
 - xi. Vehicle identifiers and serial numbers, including license plate numbers,
 - xii. Device identifiers and serial numbers,
 - xiii. Web Universal Resource Locators (URLs),
 - xiv. Internet Protocol (IP) address numbers,
 - xv. Biometric identifier, including finger and voice prints, and
 - xvi. Full face photographic images and any comparable images.
- b. El Dorado County may use or disclose a limited data set only for research purposes, public health activities, or health care operations. Limited data sets may not be used for any other purposes.



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- c. El Dorado County may use PHI to create a limited data set or disclose to a business associate to create a limited data set, whether or not the limited data set is to be used by the covered entity.

4. Data Use Agreement [45 CFR § 514(e)]

- a. El Dorado County may use or disclose a limited data set as specified by this policy if the County enters into a data use agreement restricting the recipient of the limited data set to use or disclose PHI for limited purposes. The limited data use agreement must:
 - i. Establish the permitted uses and disclosures by the recipient;
 - ii. Restrict the recipient from further using or disclosing the information in a manner which would violate the agreement or as otherwise permitted by law;
 - iii. Establish who is permitted to use or receive the limited data set;
 - iv. The recipient must use appropriate safeguards to prevent the use or disclosure of the information other than as provided by the agreement;
 - v. The recipient will report to the County any use or disclosure of the information not provided by its data use agreement of which it becomes aware;
 - vi. The recipient will ensure any agents, including a subcontractor to whom it provides the limited data set, agree to the same restrictions and conditions of the data use agreement;
 - vii. The recipient agrees not to identify the information or contact the individuals.
- b. If El Dorado County becomes aware the limited data use recipient engages in a pattern of activity or practice which constitutes a material breach or violation of the data use agreement, the County will:
 - i. Take reasonable steps to cure the breach or end the violation, or
 - ii. Discontinue disclosure of PHI to the recipient and report the problem to the Secretary.

Primary Department: Privacy Compliance Office

References: 45 CFR § 164.514