



January 6, 2016

Dear Provider:

The purpose of this letter is to address your concerns about the release of protected health information (PHI) for the purpose of public health activities.

The Standards for Privacy of Individually Identifiable Health Information, otherwise known as the Health Insurance Portability and Accountability Act or "HIPAA Privacy Rule" (45 CFR Parts 160 and 164) guarantee certain privacy rights to individuals. The HIPAA Privacy Rule provides that PHI may be used and disclosed without the authorization of the subject of that information to the extent a law requires the production of that information. (See 45 CFR 164.512(a)). The HIPAA Privacy Rule also provides that PHI may be used and disclosed to public health authorities without the authorization of the subject of that information for public health activities that are authorized by law. Examples are activities to prevent or control disease, injury or disability, including, but not limited to the reporting of disease, injury, vital events such as birth or death and the conduct of public health surveillance, public health investigations and public health interventions. (See 45 CFR 164.512(b)).

As such, an individual's authorization is not required for information supplied to government programs that qualify as public health agencies needing PHI for public health activities. A public health authority must limit its uses and disclosures of PHI to the minimum necessary to accomplish the purpose. Disclosures made pursuant to a law that mandates the production of information are not subject to any limitations under the HIPAA Privacy Rule so long as the disclosure complies with and is limited to the relevant requirements of that law.

To the extent that the information sought for public health activities is responsive to a law that requires the production of that information, or to the extent the information sought by a public health authority for public health activities is authorized by law, your organization does not need an authorization prior to releasing the necessary PHI to the public health authority. Nor does your organization need to execute a business associate agreement with the public health authority prior to releasing PHI as the public health authority is not a business associate of your organization under the HIPAA Privacy Rule definition of "business associate."

If you have any further questions, please contact Dirk Wilke at 701.328.3256.

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