



Administrative Policies and Procedures: 32.6

Subject:	De-Identification of Client Protected Health Information and Use of Limited Data Sets
Authority:	Health Insurance Portability and Accountability Act (HIPAA) of 1996; TCA 37-5-105, 37-5-106
Standards:	DCS Practice Model Standard: 7-102A, 7-120C
Application:	To All Department of Children's Services Employees

Policy Statement:

DCS may use or disclose protected health information (PHI) that is de-identified or included in a limited data set consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy rule.

Purpose:

To outline procedures and ensure compliance with the HIPAA Privacy Rule under which PHI can be used and disclosed if information that can identify a person has been removed or restricted to a limited data set. Unless otherwise restricted or prohibited by other federal or state law, DCS can use and share information as appropriate for the work of DCS, without further restriction, if DCS or another entity has taken steps to de-identify the PHI.

Procedures:

A. General information	<ol style="list-style-type: none"> 1. De-identified information is client information from which DCS or another entity has deleted, redacted, or blocked identifiers, so that the remaining information cannot reasonably be used to identify a person. 2. Unless otherwise restricted or prohibited by other federal or state law, DCS can use and share information as appropriate for the work of DCS, without further restriction, if DCS or another entity has taken safeguards to de-identify the information consistent with the requirements and restrictions of this policy in <i>Section B</i>. 3. DCS may use or disclose a limited data set that meets the requirements of Section D of this Policy, if DCS enters into a data use agreement with the limited data set recipient (or with the data source, if DCS will be the recipient of the limited data set) in accordance with the requirements of Section E of this Policy. 4. DCS may disclose a limited data set only for the purposes of research, or non-governmental public health purposes. However, unless DCS has obtained a limited data set that is subject to a data use agreement, DCS is not restricted to using a limited data set for its own activities or operations.
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	<p>5. If DCS knows of a pattern or activity or practice of the limited data set recipient that constitutes a material breach or violation of a data set agreement, DCS will take reasonable steps to cure the breach or end the violation and, if such steps are unsuccessful, DCS will discontinue disclosure of information to the recipient and report the problem to the United States Department of Health and Human Services (DHHS), Office of Civil Rights. All such suspected violations must be reported to the DCS Privacy Officer.</p>
<p>B. Requirements for de-identification of client PHI</p>	<p>1. To ensure that client PHI is sufficiently de-identified, and cannot be used to identify a client, one of the following must have occurred:</p> <p>a) A statistician or other person designated by the DCS Privacy Officer with appropriate knowledge and experience using generally accepted statistical and scientific principles and methods for rendering information not individually identifiable must apply those principles and methods and have determined there is minimal risk the information could be used, alone or in combination with other reasonably available information, by a recipient to identify the person whose information is being used and the methods and results of the analysis must be documented, OR</p> <p>b) DCS has ensured that the following identifiers of the client and the client's relatives, employers and household members have been removed and DCS has no actual knowledge that the remaining information could be used alone or in combination with any other information to identify the client:</p> <ul style="list-style-type: none"> ◆ Names; ◆ All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geo codes. The initial three digits of a zip code may remain on the information if, according to current publicly-available data from the Bureau of the Census, the geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and the initial three digits for all such geographic unit containing 20,000 or fewer people is changed to 000; ◆ All elements of dates (except year) for dates directly relating to a client or participant, including birth date, dates of admission and discharge from DCS custody, and all other dates used for DCS operations; ◆ Telephone numbers; ◆ Fax numbers; ◆ Electronic mail addresses; ◆ Social security numbers; ◆ Medical record numbers; ◆ Health plan beneficiary numbers; ◆ Account numbers; ◆ Certificate or license numbers;

	<ul style="list-style-type: none"> ◆ Vehicle identifiers and serial numbers, including license plate numbers; ◆ Device identifiers and serial numbers; ◆ Web Universal Resource Locators (URLs); ◆ Internet Protocol (IP) address numbers; ◆ Biometric identifiers, including fingerprints and voiceprints; ◆ Full face photographic images and any comparable images; and ◆ Any other unique identifying number, characteristic, or codes, except as permitted under Section (3.), below, of this policy
<p>C. Re-identification of De-identified Information</p>	<p>DCS may assign a code or other means of record identification to allow de-identified information under this policy to be re-identified by DCS, as long as:</p> <ol style="list-style-type: none"> 1. The code or other means of record identification is not derived from or related to information about the client and cannot otherwise be translated to identify the client; and 2. DCS does not use or disclose the code or other means of record identification for any other purpose, and does not disclose the mechanism for re-identification.
<p>D. Requirements for a limited data set</p>	<p>When DCS is functioning as a health care provider, consistent with the HIPAA Privacy Rule, in no case will a limited data set include any of the following identifiers:</p> <ol style="list-style-type: none"> 1. Names; 2. Postal address information, other than town or city, State and zip code; 3. Telephone numbers; 4. Fax numbers; 5. Electronic mail addresses; 6. Social Security numbers; 7. Medical record numbers; 8. Health plan beneficiary numbers (such as Medicaid Prime Numbers); 9. Account numbers; 10. Certificate/license numbers; 11. Vehicle identifiers and serial numbers, including license plate numbers; 12. Device identifiers and serial numbers; 13. Web Universal Resource Locators (URLs); 14. Internet Protocol (IP) address numbers; 15. Biometric identifiers, including finger and voice prints; and 16. Full face photographic images and any comparable images.

<p>E. Data use agreement</p>	<ol style="list-style-type: none"> 1. DCS may disclose a limited data set only if the entity receiving the limited data set enters into a written agreement as outlined in DCS policy 1.33, Research Proposals. 2. DCS will use the forms listed below as appropriate and outlined in DCS policy 1.33, Research Proposals. <ol style="list-style-type: none"> a) CS-0334, Requests for Access to Human Subjects or Records Which May Involve Informed Consent b) CS-0541, Requests For Information c) CS-0542, Research Involving Study of Existing Records or Data 3. All completed forms must be reviewed and approved by the DCS Research Review Committee prior to any use and disclosures.
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<p>Forms:</p>	<p><u>CS-0334, Requests for Access to Human Subjects or Records Which May Involve Informed Consent</u></p> <p><u>CS-0541, Requests for Information</u></p> <p><u>CS-0542, Research Involving Study of Existing Records or Data</u></p>
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<p>Collateral documents:</p>	<p><i>None</i></p>
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