

DE-IDENTIFIED INFORMATION POLICY

RESPONSIBILITY: Privacy Official or Designee(s)

BACKGROUND:

Medical information that pertains to individual patients (“individually identifiable health information”) must be kept confidential, and only used or disclosed in accordance with Behavioral Health and Health Facilities (BHFF) policies. However, if the patient cannot be identified, the information may be used or disclosed for additional purposes.

This policy restates the federal rules regarding the de-identification of individually identifiable health information, and its use and disclosure.

POLICY:

1. Information that is de-identified is not subject to policies and procedures that limit the use and disclosure of protected health information. Individually identifiable health information may be de-identified in either of two ways: the statistical method and the “safe harbor” method.
2. Statistical method.
 - 2.1. A statistician will review the de-identification procedure. A statistician is a person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable.
 - 2.2. Applying such principles and methods, the reviewer will determine 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 who is a subject of the information.
 - 2.3. The reviewer must document the methods and results of the analysis that justify this determination.
3. “Safe Harbor” method. The following identifiers of the individual or of relatives, employers, or household members of the individual, are all removed:
 - 3.1. Names;
 - 3.2. All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:

- 3.2.1. The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
 - 3.2.2. The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000. To produce a de-identified data set using the safe harbor method, all records with three-digit zip codes corresponding to these three-digit ZCTAs must have the zip code changed to 000. The 17 restricted zip codes are: 036, 059, 063, 102, 203, 556, 692, 790, 821, 823, 830, 831, 878, 879, 884, 890, and 893
 - 3.3. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; 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;
 - 3.4. Telephone numbers;
 - 3.5. Fax numbers;
 - 3.6. Electronic mail addresses;
 - 3.7. Social security numbers;
 - 3.8. Medical record numbers;
 - 3.9. Health plan beneficiary numbers;
 - 3.10. Account numbers;
 - 3.11. Certificate/license numbers;
 - 3.12. Vehicle identifiers and serial numbers, including license plate numbers;
 - 3.13. Device identifiers and serial numbers;
 - 3.14. World Wide Web Universal Resource Locators (URLs);
 - 3.15. Internet Protocol (IP) address numbers;
 - 3.16. Biometric identifiers, including finger and voice prints;
 - 3.17. Full face photographic images and any comparable images; and
 - 3.18. Any other unique identifying number, characteristic, or code (this does prohibit including in each de-identified record a code to permit the record to be re-identified by use of a key).
4. Regardless of which method is used, information is not de-identified if BHHF has actual knowledge that the information could be used alone, or in combination with other information, to identify an individual who is a subject of the information. (An example of how an individual might be identified even after removal of all identifying information is an unusual wound reported in a local newspaper. Someone with a de-identified record containing a description of the wound would know the patient's identity from the newspaper account.)

5. Any key that may be used to re-identify the information will be afforded the same protection as would apply to individually identifiable health information. Once de-identified information is reunited with its re-identification key, it will be treated as protected health information (see DEFINITIONS). A re-identification key may not be derived from identifiers (for instance, a patient identifier that is a concatenation of date of birth and social security number is not allowed).
6. De-identified health information may not be created until approved by the Privacy Official or Designee(s). De-identified health information may be used and disclosed only in accordance with the uses and disclosures described in the written request as approved by the Privacy Official or Designee(s).

Effective Date: 4/14/03

Dates Revised:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities