

POLICIES AND PROCEDURES
TOPIC: Deidentification
DOCUMENT NUMBER: 1402
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I. BACKGROUND AND PURPOSE

The purpose of this policy is to establish the basis by which the WVHIN may Deidentify Protected Health Information, and the standards for Deidentifying such Protected Health Information.

II. POLICY

The term “Deidentification” refers to a process by which Protected Health Information is rendered into data that does not identify a Patient, and there is no reasonable basis to believe that the Deidentified data can be used to identify a Patient. The standards for achieving the Deidentification of Protected Health Information are set forth in the HIPAA Privacy Standards. The Office of Civil Rights (OCR) has published guidance regarding methods to achieve Deidentification in accordance with the HIPAA Privacy Standards. No authorization from an individual is required to use or disclose Deidentified data.

The WVHIN may Deidentify Protected Health Information, and may disclose or use Deidentified data for any public health or research purpose permitted by applicable law and approved by the WVHIN Board of Directors. Requests for Deidentified data must be submitted to the WVHIN in writing, and must specify in detail the legitimate public health or research purpose for which the Deidentified data is sought. The WVHIN shall have complete discretion in evaluating any request for Deidentified data, and may deny a request for Deidentified data for any reason. The WVHIN, through its Workforce or Business Associates, may access Protected Health Information through the Health Information Exchange to create Deidentified data in accordance with this Policy.

Protected Health Information will be deemed Deidentified only if all of the requirements set forth in the HIPAA Privacy Standards and, where necessary, any applicable OCR guidance, have been fully satisfied by the WVHIN.

III. PROCEDURES

A. Patient Procedures.

None.

B. Requestor Procedures.

1. Any person, including a Participating Organization (collectively, a “Requestor”), may file a request for Deidentified data to be used and disclosed for a public health or research purpose in accordance with the procedures outlined below; provided however, any request on behalf of a Participating Organization shall not be limited to the data of any specific hospital or other health care provider that may be in competition with the requesting Participating Organization.

2. A Requestor may request Deidentified data specific to itself, and may request Deidentified data on a geographic basis, such as data for any county or counties, or statewide data, provided that the WVHIN must comply fully with all requirements set forth in the HIPAA Privacy Standards when Deidentifying Protected Health Information. All such requests are subject to the ultimate approval of the WVHIN Board of Directors.

3. Any Requestor approved to obtain Deidentified data from the WVHIN must strictly limit its use to the WVHIN-approved public health or research purpose. (*see* Policy and Procedure Number 1403 (forthcoming)). Said Requestor may not re-use the Deidentified data for another purpose or disclose the Deidentified data to any third party without the express written consent and approval of the WVHIN.

4. Any Requestor approved to obtain Deidentified data from the WVHIN must strictly limit its use in accordance with a data use agreement approved by the WVHIN.

C. WVHIN Procedures.

1. The WVHIN may Deidentify Protected Health Information and may disclose or use Deidentified data for any public health or research purpose permitted by applicable law and approved by the WVHIN Board of Directors. Legitimate types of public health or research purposes may include, but are not limited to, disease tracking, detection of emergency health threats, and the improvement of health quality and outcomes.

2. The WVHIN, through its Workforce or Business Associates, may access Protected Health Information through the Health Information Exchange to Deidentify Protected Health Information in accordance with this Policy.

3. Requests for Deidentified data must be submitted to the WVHIN in writing, and must specify in detail the legitimate public health or research purpose for which the Deidentified data is sought. No Requestor shall have a right to obtain Deidentified data from the WVHIN. The WVHIN shall have complete discretion in evaluating any request for Deidentified data, and may deny a request for Deidentified data for any reason, including, but not limited to the following:

- a. The WVHIN cannot Deidentify the Protected Health Information;

- b. The Requestor refuses to agree to any limitations or conditions upon the use of the data that may be imposed by the WVHIN; or
 - c. The specified reason for obtaining Deidentified data is not a legitimate public health or research purpose.
4. The WVHIN may deny any request for Deidentified data.
 5. The WVHIN shall not create Protected Health Information.
 6. The WVHIN cannot use or Deidentify any Protected Health Information of a Patient that has elected to Opt-Out of the WVHIN's Health Information Exchange in accordance with the policy and procedure for Patient Consent (*see* Policy and Procedure Number 100).
 7. Likewise, the WVHIN cannot access, and therefore cannot use or Deidentify any Protected Health Information of a Patient contained in any Personal Health Record registered with the WVHIN in accordance with the Policy and Procedure for Personal Health Records (*see* Policy and Procedure Number 600).
 8. The WVHIN must comply fully with all requirements set forth in the HIPAA Privacy Standards and, where necessary, any applicable OCR guidance, when Deidentifying Protected Health Information. Protected Health Information will be deemed Deidentified only if all of the requirements set forth in the HIPAA Privacy Standards have been fully satisfied by the WVHIN.
 9. Any Requestor approved to obtain Deidentified data from the WVHIN must strictly limit its use to the WVHIN-approved public health or research purpose. (*see* Policy and Procedure 1403 (forthcoming)). Said Requestor may not re-use the Deidentified data for another purpose or disclose the Deidentified data to any third party without the express written consent and approval of the WVHIN.
 10. Any Requestor approved to obtain Deidentified data from the WVHIN must strictly limit its use in accordance with a data use agreement approved by the WVHIN.
 11. If consistent with the WVHIN's legal authority and powers, the WVHIN Board may authorize the WVHIN to charge a fee to those requesting and receiving Deidentified data.
 12. No Participating Organization shall have the right to restrict the WVHIN's use or disclosure of Deidentified data.