

4007.0.0 DE-IDENTIFIED PROTECTED HEALTH INFORMATION/FREEDOM OF INFORMATION ACT

The Department of Human Services (DHS) has established a uniform method and system for responding to requests for access to or copies of records as required under the Arkansas Freedom of Information (FOI) Act codified beginning at Ark. Code Ann. 25-19-104. As established under DHS policy DHS 1053.4.0 some information is exempt from disclosure and specifically, DHS policy 1053.4.13 exempts disclosure if “Other state and federal laws prohibit disclosure of client identifying information.” The Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects disclosure of Protected Health Information or (PHI) and also necessitates the need to de-identify PHI.

4007.1.0 Definition

4007.1.1 Protected Health Information (PHI) is health information which:

- Identifies the individual or offers a reasonable basis for identification
- Is created or received by a covered entity or an employer; and
- Relates to past, present, or future
 - Physical or mental health or condition
 - Provision of health care or
 - Payment for health care

or has been electronically transmitted or electronically maintained by a covered entity and includes such information in any other form.

4007.1.2 DHS’s policy is to de-identify PHI to meet FOI requests received by the department. This policy adheres to 45 CFR Part 164 Section 164.502 (d) and Section 164.514 (a) and (b) addressing de-identification of Protected Health Information (PHI).

4007.2.0 Definition

4007.2.1 De-identified PHI is health information from which identifiers have been removed so that the health information is no longer identifiable to any individual. Health information that does not identify an individual and there is no reasonable basis to believe the information can be used to identify an individual is not individually identifiable information and may be disclosed.

4007.2.2 Individual identifiers that *must* be removed or redacted to de-identify PHI include, without limitation, the following:

A. Names

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:

1. The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
 2. The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
- B. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death, and 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
- C. Telephone numbers
- D. Fax numbers
- E. Electronic mail addresses
- F. Social security numbers
- G. Medical record numbers
- H. Health plan beneficiary numbers
- I. Account numbers
- J. Certificate/license numbers
- K. Vehicle identifiers and serial numbers, including license plate numbers
- L. Device identifiers and serial numbers
- M. Web Universal Resource Locators (URL's)
- N. Internet Protocol (IP) address numbers
- O. Biometric identifiers, including finger and voice prints
- P. Full face photographic images and any comparable images
- Q. Any other unique identifying number, characteristic, or code, except as permitted to re-identify protected health information; and

4007.2.3 Once health information is properly de-identified, there no longer exists a reasonable probability the information could be used alone or in combination with other information to identify any individual who is the subject of the information.

4007.3.0 Usage

4007.3.1 PHI shall be de-identified when the source of the data request is outside of DHS operations or the source is required to comply with a FOI request.

4007.3.2 If anyone within DHS is unsure if PHI has been de-identified according to HIPAA guidelines then that person should seek approval from the DHS privacy officer.

4007.3.3 Failure to comply with this policy will result in disciplinary action as defined in Policy 1084, Employee Discipline: Conduct/Performance.

4007.4.0 Department Contact

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