

County Of San Diego
Health and Human Services Agency (HHSa)

SUBJECT: Privacy Definitions

NO: HHSa-L-30

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DATE: September 1, 2017

REFERENCE: Health Insurance Portability and Accountability Act (HIPAA); California Medical Information Act (CMIA); various State Agreements.

POLICY: In compliance with State and federal laws and regulations, the following shall serve as formal definitions of terms related to all HHSa Privacy policies, forms, and other documents.

RESPONSIBILITIES: Privacy laws and regulations such as the Health Insurance Portability and Accountability Act (HIPAA), the California Confidentiality of Medical Information Act, and others outline many requirements regarding the confidentiality of Protected Information. Many Agency Programs also have Agreements with the State of California that outline additional confidentiality parameters. Compliance with these regulations is addressed in a series of Agency policies and procedures. These privacy regulations outline requirements regarding protected information and the rights of individuals concerning their protected information.

DEFINITIONS: All terms shall follow the definition given under HIPAA, except for the following:

- A. *Information Privacy and Security Provisions* (Article 14) is the Agency-approved document that encompasses federal and state requirements related to Privacy and Security of Protected Information.
- B. *Legal Representative:* Is meant to be synonymous with the HIPAA term "personal representative" (45 CFR section 164.502(g)) and is a person legally authorized to make health care decisions on an individual's behalf or to act for a deceased individual or the estate. It includes a "patient's representative," as defined under CA HSC 123105(e):
 - 1. A parent or guardian of an emancipated minor, except in those circumstances when a minor may make health care decisions on his/her own
 - 2. The guardian or conservator of the person, as appointed by the Court
 - 3. An "Agent," designated in a power of attorney to make health care decisions, as defined in Section 4607 of the CA Probate Code.
 - 4. A "beneficiary" or "representative" of a decedent, as defined in Section 24 and 58(a) of the CA Probate Code, respectively, and meaning an executor, administrator, or successor.
- C. *Privacy Incident:* An incident involving:
 - 1. Unsecured Protected Information in any form (including paper and electronic); or
 - 2. Any suspected incident, intrusion, or unauthorized access, use or disclosure of Protected Information; or
 - 3. Any potential loss or theft of Protected Information.

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D. Protected Information (PI): Information that is created or received by the County, and can reasonably be used to identify an individual. This includes:

1. *Individually Identifiable Health Information*
2. *Personal Information:* Information that is maintained by the County that identifies or describes an individual, as defined in CA Civil Code, section 1798.3.
3. *Personally Identifiable Information (PII):* Information about an individual maintained by the County that can be used to distinguish or trace and individual's identity as defined in NIST Pub 800-122.
4. *Protected Health Information (PHI):* Individually identifiable health information that is transmitted or maintained by electronic or any other medium, as defined in HIPAA

QUESTIONS: HHSA Privacy Officer at 619-338-2808

Approved: _____



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