

CCHMC Information Protection, Security, & Integrity Policy	<i>Policy Number</i>	INFO-100
Confidential Information	<i>Effective Date</i>	8/15/2013
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1.0 PURPOSE

The purpose of this policy is to establish standards regarding the use of Confidential Information.

2.0 POLICY

2.1 [CCHMC Workforce Members](#) may not impermissibly [Disclose](#) or Misuse Confidential Information.

3.0 DEFINITIONS

- 3.1 **Confidential Information:** Confidential Information is facts, knowledge, or information which CCHMC Workforce Members must not reveal or share except with those individuals authorized to receive it. The sharing of Confidential Information with unauthorized individuals may result in the waiver of legal protections and may place CCHMC and its Workforce Members at risk of criminal or civil liability or may damage the financial standing, employability, privacy, or reputation of an individual or CCHMC. Confidential Information includes information collected, created, and/or maintained by CCHMC in any format (e.g., paper, electronic, recorded, verbal). Confidential Information includes, but is not limited to:
- **Education Information:** Information relating to an individual who is at CCHMC for the purposes of pursuing education or vocational development. Examples include, but are not limited to: evaluations, progress reports and other status documentation.
 - **Employment Information:** Employee, volunteer, or contractor information. Examples include, but are not limited to: employee lists, an employee's official personnel file, departmental files, salary/benefit/financial information, performance evaluations, or disciplinary actions.
 - **Financial & Business Information:** CCHMC financial or business information. Examples include, but are not limited to: financial reports, operational plans/reports, strategy documents, contracts, survey results, credit and debit card information, financial account information, budgetary, departmental, or organizational planning information.
 - **Intellectual Property & Proprietary Information:** Information related to CCHMC's intellectual property and the intellectual property of collaborators. Intellectual Property means a concept, data, idea, invention, discovery, innovation, material, technique, trade-secret, technology, know-how, improvement, computer software, or other form of intellectual expression created, conceived, or authored by CCHMC personnel in the scope of their employment or with CCHMC's facilities or resources.
 - **Personal information:** Information that may be used to commit identity theft or fraud, such as an individual's first name or first initial and last name in combination with any one or more of the following data elements (when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable):
 - Social security number, driver's license number or state identification card number;
 - Account numbers or credit or debit card numbers;
 - Security and access codes, user IDs, account credentials, or passwords that would permit access to an individual's financial or other accounts;
 - Passport numbers; and
 - Similar information.
 - **Note:** Personal Information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.
 - **Protected Health Information (PHI):** Health Information that a CCHMC Workforce Member knows could be used alone or in combination with other information to identify an individual (living or deceased for 50 years or less) and contains any of the following identifiers of an individual or of relatives, employers, or household members of an individual:
 - Name
 - Address (all geographic subdivisions smaller than state, including street address, city, county, zip code)
 - All elements of dates directly related to an individual, including birth date, admission date, discharge date, date of death and exact age if over 89 (with the exception of year used alone)
 - Telephone numbers
 - Fax number
 - Email address
 - Social Security number
 - Medical record number
 - Health plan beneficiary number
 - Account number
 - Certificate/license number
 - Vehicle identifiers & serial numbers, including license plate numbers
 - Device identifiers and serial numbers
 - Web URL
 - Internet Protocol (IP) address numbers
 - Biometric identifiers, including finger and voice prints
 - Full face photographic images and any comparable images
 - Any other unique identifying number, characteristic, or code.

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PHI excludes individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act or in employment records held by CCHMC in its role as an employer, although both constitute Confidential Information.

- **Health Information:** Any information, including genetic information, whether oral or recorded in any form or medium, that is created or received by CCHMC and
 1. relates to the past, present, or future physical or mental health or condition of an individual; or
 2. the provision of healthcare to an individual; or
 3. the past, present, or future payment for the provision of health care to an individual.
- **Genetic information:** With respect to an individual, information about the individual's genetic tests, the genetic tests of family members of the individual, the manifestation of a disease or disorder in family members of such individual, or any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by the individual or any family member of the individual. Any reference in the Information Protection, Security, and Integrity Policy to genetic information concerning an individual or family member of an individual shall include the genetic information of a fetus carried by the individual or family member who is a pregnant woman and any embryo legally held by an individual or family member utilizing an assisted reproductive technology. Genetic information excludes information about the sex or age of any individual.
 1. **Family member** means, with respect to an individual, a dependent or any other person is a first-degree (e.g. parent, spouse, sibling, child), second-degree (e.g. grandparent, grandchild, aunt, uncle, nephew, niece), third-degree (e.g. great-grandparent, great-grandchild, great aunt or uncle, first cousin), or fourth-degree (e.g. great-great-grandparent, great-great-grandchild, first cousin's child) relation of the individual or a dependent of the individual. Relatives by affinity (such as by marriage or adoption) are treated the same as relatives by consanguinity (that is, relatives who share a common biological ancestor). In determining the degree of the relationship, relatives by less than full consanguinity (such as half-siblings, who share only one parent) are treated the same as relatives by full consanguinity (such as siblings who share both parents).
 2. **Genetic services** means a genetic test, genetic counseling (including obtaining, interpreting, or assessing genetic information), or genetic education.
 3. **Genetic test** means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. Genetic test does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition.
 4. **Manifestation or manifested** means, with respect to a disease, disorder, or pathological condition, that an individual has been or could reasonably be diagnosed with the disease, disorder, or pathological condition by a health care professional with appropriate training and education in the field of medicine involved. A disease, disorder, or pathological condition is not manifested if the diagnosis is based principally on genetic information.
- **Quality of Care & Professional Competence or Conduct Information:** Proceedings or records generated by CCHMC pertaining to credentialing, privileging, peer review, peer evaluation, medical review, quality assurance, quality review, safety reporting (including incident reports, risk management reports, and safety reports), performance improvement, patient safety, or employee safety.
- **Research Information:** Information pertaining to CCHMC's research activities. Examples include, but are not limited to: unpublished research data, manuscripts and grant proposals, collaborator's Confidential Information and information that could personally identify a research subject.
 - **Note:** Disclosure of unpublished research information is generally permitted, however the individual must ensure that such disclosure is consistent with any contract, protocol, intellectual property protection or other obligation to keep the information confidential.
- **Third Party Information:** Information received from third parties which has been identified by those third parties as confidential and CCHMC has agreed to obligations regarding non-disclosure and use of that information (e.g., via a signed agreement).
- Any other information designated as Confidential Information by CCHMC management.

3.2 **Misuse of Confidential Information:** Misuse of Confidential Information is intentional, negligent, or inadvertent acts and/or omissions related to Confidential Information. Misuse of Confidential Information includes, but is not limited to:

- Accessing Confidential Information not directly relevant to one's specifically assigned tasks;
- Disclosing, discussing, and/or providing Confidential Information to any individual not authorized to view or access that information, including, but not limited to, third parties, volunteers, vendors and other CCHMC Workforce Members, including disclosures or discussions on the internet;
- Reckless, careless, negligent, or improper handling, storage or disposal of Confidential Information;
- Deleting or altering Confidential Information without authorization; or
- Using Confidential Information for personal or any other unauthorized or unlawful use.

4.0 IMPLEMENTATION

4.1 As a general matter, Confidential Information should not be disclosed. CCHMC Workforce Members with a business need to disclose Confidential Information other than PHI must receive appropriate prior approval from the applicable area

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Vice President. Use and disclosure of PHI must be in accordance with the CCHMC Information Protection, Security, and Integrity Policy Manual. With respect to disclosure of Employment Information and Quality of Care & Professional Competence or Conduct Information, prior approval from the CCHMC Legal Department must be obtained.

4.2 Expectations: When CCHMC Workforce Members are given access to Confidential Information, it is only to be used for the specific clinical/business need for which access has been granted and no other purpose. In addition, CCHMC Workforce Members are expected to:

- 4.2.1 Identify Confidential Information and materials and mark it as such;
- 4.2.2 Comply with any restrictions on the use, administration, processing, storage or transfer of the Confidential Information in any form, physical or electronic;
- 4.2.3 Not discuss Confidential Information in public areas;
- 4.2.4 Not leave Confidential Information on voice mail;
- 4.2.5 Not disclose Confidential Information on the internet; and
- 4.2.6 Immediately take steps to mitigate any impermissible uses or disclosures of Confidential Information.

4.3 Security: CCHMC shall establish appropriate administrative, technical, and physical safeguards to protect the privacy of Confidential Information, including PHI. CCHMC Workforce Members who have access to Confidential Information are expected to understand and implement associated security requirements and take measures to protect the information, regardless of the transmission (e.g., electronic, mail, fax) or storage medium (e.g., printed, such as forms, papers, reports, microfilm, microfiche); computers, data/voice networks, or other electronic media (e.g., network drives, voice mail, databases); physical storage environments (e.g., offices, filing cabinets, drawers); and/or magnetic and optical storage media (e.g., hard drives, diskettes, tapes, CDs, flash drives). See User Standards for CCHMC Information Technologies Manual for further information.

4.4 Reports and/or data requests containing Confidential Information: Requests for reports and/or data requests containing Confidential Information must be limited to the specific project or task and follow the enterprise reporting request process.

5.0 OVERSIGHT

The Integrity and Compliance Program will periodically review and update this policy as appropriate. Authority over this policy shall vest with the President and Chief Executive Officer.

6.0 REFERENCES

- N/A

REVISION HISTORY
Original Date: 01/01/1998
<ul style="list-style-type: none"> • Revised: 6/3/2008 • Revised: 11/14/2011 • Revised: 8/15/2013