

Title X Family Planning Programs

Federal Law: Population Research and Voluntary Family Planning Programs (Title X Confidentiality Provisions)

Theme: Social Service Programs

Citation: [42 U.S.C. Chapter 6A, Subchapter VIII](#); [42 C.F.R Part 59, Subpart A](#)

Provisions include requirements to protect the confidentiality of individuals receiving family planning services under Title X.

THE LAW

What does the law do?

[Title X authorizes the US Department of Health and Human Services](#) (HHS) to fund public and nonprofit entities to establish and operate family planning projects that may include a range of family planning services. Title X projects consist of “educational, comprehensive medical, and social services necessary to aid individuals to determine freely the number and spacing of their children.” The regulations include requirements [to protect the confidentiality of individuals](#) receiving family planning services under Title X [regardless of the age of the individual](#).

To whom does the law apply?

The [confidentiality provisions apply to all Title X](#) grants for establishing and operating voluntary family planning projects. Title X grant recipients can include [public and non-profit private entities](#) in the states, US territories, and the District of Columbia.

How is “identifiable” information defined?

The regulations do not use the term “identifiable” in relation to confidential information. Confidential information is [“\[a\]ll information as to personal facts and circumstances... about individuals receiving services.”](#)

SHARING OF IDENTIFIABLE DATA

Does this law allow identifiable data to be shared?

Information relating to personal facts and circumstances about individuals receiving Title X services [can be disclosed](#), if necessary, to provide services to the individual. Confidential information can also be disclosed if the disclosure is required by law. All other disclosures require the individual's documented consent.

Among who?

The regulations do not categorically limit the recipients of the disclosed Title X information.

What are the prerequisites and conditions?

Disclosures of confidential information should be made [“with appropriate safeguards for confidentiality.”](#) Consent for the disclosure of confidential information should be documented. [Title X projects cannot require](#)

[parental consent](#) to provide services to minors. Similarly, [Title X projects cannot notify a parent](#) or guardian that a minor has requested or received Title X family planning services.

SHARING OF DE-IDENTIFIED DATA

Does this law allow de-identified information to be shared?

The Title X confidentiality provisions permit the disclosure of information “[in summary, statistical, or other form which does not identify particular individuals.](#)”

Does this law define de-identification or standards to render the data de-identified?

The regulations do not have specific standards to render identifiable data legally de-identifiable. However, the [confidentiality provisions are clear](#) that aggregate, summary, or statistical forms can be disclosed if they do not identify particular individuals.

DATA SHARING IMPLICATIONS FOR PUBLIC HEALTH

Does this law support data sharing to improve the health of communities?

The confidentiality provisions generally [prohibit the disclosure of confidential information for secondary uses without the individual’s consent](#). However, the law does permit disclosures that are required by law (e.g., state mandated reporting).

How does this law hinder data sharing to improve the health of communities?

The lack of specific exceptions for disclosures for public health or research uses poses a significant limitation on data sharing to promote community health. Disclosures for these purposes would require the individual’s consent.

Does this law establish prerequisites, conditions, or limitations for data sharing, not previously identified?

Not applicable to this law.

What other terms apply to sharing this data?

[Title X projects must comply with HHS appropriation mandates](#), which require encouragement of family participation in the family planning decisions of minors, counseling to minors on how to resist sexual coercion attempts, and compliance with state laws requiring reporting of child abuse, molestation, sexual abuse, rape, or incest. Additionally, HHS can impose additional conditions on Title X grants when the conditions are “[necessary to assure or protect advancement of the approved program, the interests of public health, or the proper use of grant funds.](#)”

What remedies or solutions might be employed to support data sharing while complying with this law?

HHS has the authority under 42 C.F.R. § 59.12 to permit Title X grantees to make certain disclosures to advance the “[interests of public health.](#)”

What ethical considerations apply to the exercise of discretion to share data under this law?

Title X relates to family planning services, an area that is deeply personal and private to many individuals. Persons that seek family planning services come from varied backgrounds, and inadvertent disclosures of confidential information can have different impacts on individuals. For example, individuals seeking family planning services could be minors or coming from situations involving domestic violence, abuse, rape, incest, or molestation. Consequently, care should be exercised to ensure that confidential information is not disclosed to inappropriately such that Title X service recipients are placed under increased risk of undue harm.

Additional information on Title X and confidentiality can be found [here](#).

SUPPORTERS



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