



HEALTH INFORMATION AND DATA SHARING  
**Table**

## Public Health COVID-19 Frequently Utilized HIPAA Privacy Rule Provisions

The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (HIPAA), does not regulate all health departments. Health departments fall into three broad categories with respect to HIPAA:

1. Health departments that have no covered functions (such as a clinic that bills electronically) are not covered by HIPAA.
2. Health departments that have a covered function and have elected to become a hybrid entity adopt written policy that lists HIPAA covered programs and limits HIPAA’s reach to those programs. Generally, hybrid health department’s disease prevention and control programs are not covered by HIPAA. For more information on how HIPAA regulates certain programs that public health provides and the hybrid entity policy option, [read more](#). The majority of state health departments are hybrid entities.
3. If a health department provides a covered function, such as a clinic that bills electronically, it is a fully covered entity by default. Consequently, its core public health programs, such as disease prevention and control programs are covered by HIPAA. [45 CFR § 164.103](#).

The following table is useful for those health departments with HIPAA-covered disease prevention and control programs. Generally, all HIPAA-covered entities must make reasonable efforts to share only the minimum necessary health information to accomplish the purpose. [45 CFR § 502\(b\)](#). Disclosures for treatment purposes and disclosures required by law are not subject to the minimum necessary rule.

HIPAA covered health departments may make the following disclosures without patient authorization:

**Table 1. Disclosures without Patient Authorization**

PURPOSE	BRIEF EXPLANATION – SEE REGULATION FOR PREREQUISITES, LIMITATIONS AND CONDITIONS	CITATION
<b>Public health activities</b>	To a public health authority that is authorized by law to collect or receive such information for the purpose of <i>preventing or controlling disease, injury, or disability</i> , including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public	<a href="#">45 CFR § 164.512(b)</a> .



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	health surveillance, public health investigations, and public health interventions.	
<b>Public health activities</b>	At the direction of a public health authority, to an <i>official of a foreign government</i> agency that is acting in collaboration with a public health authority.	<a href="#">45 CFR § 164.512(b).</a>
<b>Public health activities</b>	To <i>persons at risk of infection</i> if other law, such as state law, authorizes the public health authority as part of the conduct of a public health intervention or investigation.	<a href="#">45 CFR § 164.512(b).</a>
<b>Treatment</b>	To provide treatment.	<a href="#">45 CFR § 164.506(c).</a>
<b>Avert a threat</b>	To prevent or lessen a serious and imminent threat to the health and safety of a person or the public.	<a href="#">45 CFR 164.512(j).</a>
<b>Required by law</b>	To the extent that disclosure is required by other law, such as state law.	<a href="#">45 CFR § 164.512 (a).</a>
<b>To close contacts</b>	To a spouse, family members, friends, or other persons identified by a patient. Even when the patient is not present or is otherwise incapacitated, a covered entity may share this information with those whom the patient has identified if it determines in exercising professional judgment that doing so would be in the patient's best interest.	<a href="#">45 CFR § 164.510(b).</a>

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## SUPPORTERS



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