

To : All Interested Parties

Date : Revised
December 11, 2008

From : David M. Carlisle, M.D., Ph.D.
Director, OSHPD



Subject: Policy on the Disclosure of Patient Level Healthcare Data and Information
Policy # 05 - 18

Policy

It is the policy of the Office of Statewide Health Planning and Development (Office) to respect the privacy of individuals by protecting the confidentiality of all patient level healthcare data and information that it collects, uses, and disseminates. Accordingly, the Office will carefully evaluate all requests for disclosure of patient level healthcare data and information and will ensure that all disclosures comply with applicable laws and regulations.

The Office may disclose patient level healthcare data and information to the general public only if the Office has determined that they have been de-identified. All other patient level healthcare data and information will be considered non-public. The Office may restrict the use of patient level healthcare data and information disclosed to the general public and may prohibit the re-release of the data and information at the patient level.

Unless specifically provided for by law, the Office will not disclose patient level healthcare data and information for the purpose of identifying or contacting individuals or to obtain medical information about specific individuals.

The Office will not disclose non-public patient level healthcare data and information unless the following conditions have been met:

- The Office has analyzed the risks of identification or linkage of the data and information to individuals.
- Disclosure of the data and information is limited to only those data and information that are the least confidential and most relevant and necessary to accomplish the objectives for which they are requested.
- Use of the data and information will be limited to that described in the request.

Appendix A – Disclosure Policy

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- The data and information will be protected from unauthorized use or disclosure.
- The disclosure is permitted under current laws and regulations, including the Information Practices Act of 1977, and the policies of the California Health and Human Services Agency.
- The California Health and Human Services Agency's Committee for the Protection of Human Subjects has approved the project for which the data and information are requested. If the data and information have been requested pursuant to Health and Safety Code §128766, approval of the Committee will only be required if the data and information are requested for research.
- The Office's Deputy Director, Healthcare Information Division approves the disclosure.
- The Office's Privacy Officer approves the disclosure.

The Office reserves the right to withhold disclosure of any data or information or recover any data and information previously disclosed.