



**B. J. Walker, Commissioner**

Georgia Department of Human Resources • Division of Public Health • Stuart T. Brown, M.D., Director  
2 Peachtree Street NW • Suite 15.470 • Atlanta, Georgia 30303-3142  
404-657-2700 • FAX: 404-657-2715

January 31, 2006

Dear Colleague:

The Health Insurance Portability and Accountability Act (HIPAA), enacted by Congress in 1996, covers not only health insurance portability but also the privacy and security of health information. HIPAA covered entities, which consist of health care providers, health plans, and health care clearinghouses, must comply with HIPAA privacy rules as of April 14, 2003. There has been some misunderstanding about the implications of HIPAA privacy rules for various public health-related activities such as disease reporting, surveillance, and investigations with some believing that HIPAA will restrict such activities. In fact, HIPAA contains an exception for public health activities meaning that covered entities must still fulfill their obligation under law and continue to assist the Division of Public Health with various public health-related activities.

The HIPAA Privacy Rule balances the protection of individual health information with the need to protect public health and expressly permits disclosures without individual authorization to public health authorities authorized by law to collect or receive the information for the purpose of preventing or controlling disease, injury, or disability, including but not limited to public health surveillance, investigation and intervention.

The Privacy Rule also protects public health practices. Public health practice often requires the acquisition, use, and exchange of protected health information to perform public health activities such as public health surveillance, program evaluation, terrorism preparedness, outbreak investigations, and direct health services. This information enables public health authorities to implement both mandated and authorized activities including identifying, monitoring, and responding to death, disease, and disability among populations. HIPAA exempts certain notification requirements for these activities. In addition to these functions, public health agencies are occasionally involved in conducting research. The Privacy Rule protects such research, although different notification requirements come into effect when projects are deemed to be research.

The Division of Public Health has created HIPAA Fact Sheets in an effort to help its valued partners understand HIPAA and the protections it provides for public health-related activities. We look forward to your continued support in our effort to accomplish vital public health objectives.

Sincerely,

A handwritten signature in black ink that reads "Stuart T. Brown".

Stuart T. Brown, M.D.  
Director