

## **Sharing Personal Health Information With the Georgia Department of Public Health Frequently Asked Questions From Health Care Providers**

### **Does the Department of Public Health have the legal authority to request my clients' personal health information?**

Yes. Under Georgia law, the Department is authorized to gather information, including personal health information, in order to protect the health and safety of Georgia citizens. Official Code of Georgia §§ 31-2A-4, 31-12-1, 31-12-2, and 31-22-7.

### **Does HIPAA allow me to share my clients' personal health information with the Department of Public Health?**

Yes! The HIPAA statutes specifically state that they are not intended to “invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury, child abuse, birth or death, public health surveillance, or public health investigation or intervention.” 42 U.S.C. § 1320d-7(b); 45 C.F.R. § 160.203(a)(1). The HIPAA regulations specifically allow health care providers to disclose health information to public health authorities for the purpose of preventing or controlling disease, and to avert a serious threat to the health or safety of a person or the public. 45 C.F.R. § 164.512(b) and (j).

### **Do I need my clients' permission to share their personal health information with the Department of Public Health?**

No. The HIPAA regulations cited above specifically provide that client consent is not required.

### **Why does the Department of Public Health need my clients' personal health information?**

One of the traditional missions of public health is disease surveillance – tracking diseases and health conditions in the general population. By learning which diseases are out there, where they are, and who has them, we can fashion policies and programs to improve the health of Georgia citizens. From time to time, public health may also need health information on specific individuals in order to fight an outbreak of communicable disease and to link affected persons with testing and treatment.



**Will the Department of Public Health share my clients' personal health information with others?**

Yes, but only in strict accordance with HIPAA. The Department has a HIPAA Privacy Officer and an in-house Institutional Review Board to ensure that personal health information in our possession is shared only with persons authorized under HIPAA to receive it, and only in a form that is allowed under HIPAA. For example, we may share information with the Centers for Disease Control and Prevention or with academic institutions for purposes of scientific research. In most cases, health data is de-identified in accordance with HIPAA standards to make sure that it cannot be traced back to a particular person.

**Should I ask the Department of Public Health to sign a HIPAA "Business Associate Agreement" before I hand over my clients' personal health information?**

No. The U. S. Department of Health and Human Services, Centers for Disease Control and Prevention, has issued formal guidance stating that public health authorities are not "business associates" for purposes of HIPAA, and a "Business Associate Agreement" is not required. CDC Morbidity and Mortality Weekly Report, Vol. 52 at p. 8 (May 2003).

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If you have any questions or concerns about sharing personal health information with the Georgia Department of Public Health, please call 404.657.2700 and ask to speak to the General Counsel or to the Privacy Officer.

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