



Board of Supervisors Memorandum

November 5, 2013

**Revision to Board of Supervisor Policy C 3.7
Privacy, Information Security and Compliance Policy
(REVISED)**

Background

Reports of accidental disclosure or intentional theft of private financial or medical information appear frequently in the local and national news. There is increased public awareness and concern regarding identity theft, use of private information for marketing, and the impact of accidentally disclosed financial or health information. Such breaches of confidentiality erode trust and confidence in institutions and present a serious threat to the regular operations of any agency that has legitimate need for gathering and storing confidential information.

In the course of standard business, Pima County regularly receives, utilizes and stores sensitive information relating to employees, customers and residents. As stewards of private and confidential personal, medical and financial information, it is incumbent upon Pima County to do our utmost to safeguard this information and prevent illicit or accidental disclosure.

To this end, I have instructed staff to examine County policies and procedures related to compliance, privacy and confidentiality, and information security. The intent of this review was to identify and address gaps in existing rules and protocols, update these policies to account for changes in standards and technology, and to ensure compliance with all appropriate laws and regulations.

Representatives from County Administration, the County Attorney's Office, Sheriff's Department and other departments convened and drafted the attached revision to Board of Supervisor's Policy C 3.7, previously titled "HIPAA Privacy Policy." The changes made are intended to broaden the scope of the policy to include attending to compliance with all regulations and directions regarding private and confidential information of all types, not just that of a personal health nature.

Additionally, the proposed revision strengthens directives regarding staff training for privacy, information security and compliance, and sets forth direction for the establishment of a comprehensive and appropriate procedure for investigation of potential breach of privacy. New language is also recommended to account for the establishment of a "Security Official" in compliance with federal guidance.

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The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **Revision to Board of Supervisors Policy C 3.7-Privacy, Information Security and Compliance Policy**

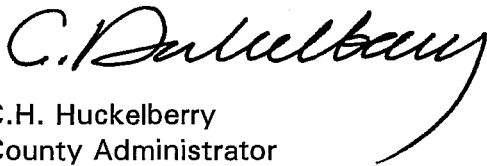
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Recommendation

I recommend the Board of Supervisors adopt and implement the attached revised Policy C 3.7 to assist in minimizing the likelihood of accidental disclosure or breach of confidentiality, mitigate risk in the event of a breach, and help maintain the public trust and recommend this policy update be adopted as Board of Supervisor's Policy C 3.7 "Privacy, Information Security and Compliance Policy."

Respectfully submitted,



C.H. Huckelberry
County Administrator

CHH/cbc (October 22, 2013; **REVISED October 29, 2013**)

Attachment

c: Jan Leshner, Deputy County Administrator for Medical and Health Services
Dr. Francisco Garcia, Director, Health Department
Dr. Donald Gates, Program Coordinator, Health Department



**PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY**

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Purpose

This policy is established to promote compliance with privacy and information security standards promulgated by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH), the United States Sentencing Commission Guidelines for Effective Compliance, Arizona Revised Statutes governing personal information and other such federal, state or local statutes, laws, rules and regulations, and to provide guidance for departments, programs and functional areas of the Pima County government. Active compliance minimizes likelihood of accidental disclosure or breach of confidentiality, mitigates risk in the event of accidental disclosure and maintains public trust.

Policy

It is the policy of Pima County to take reasonable steps to safeguard protected health and personal information as well as maintain information security in accordance with the regulations, standards, implementation specifications or other requirements necessary to ensure compliance with the letter and intent thereof.

The County Administrator shall direct Pima County staff to establish procedures and standards, according to existing Pima County procedures for adopting such, to implement this Policy with specific attention to the items enumerated below.

1. **Privacy.** Pima County employees shall take reasonable steps to (1) protect personal and health information so as to ensure the privacy and confidentiality of the information, in whatever form, whether written, oral or electronic; and (2) meet or exceed the standards for protecting health information set forth in all HIPAA rules with respect to safeguarding the privacy and confidentiality of health information.
2. **Individual Rights and Notice.** Consistent with the provisions of the HIPAA Privacy Rule, Pima County shall ensure compliance with all rights of individuals as related to personal health information held by the County.

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3. **Minimum Necessary.** Pima County shall restrict its protected personal and health information requests, use, and disclosures to the minimum necessary to successfully provide service to the community. Health care providers, as may be defined by each individual department, program or functional area and within the bounds of standards and guidelines, shall have unrestricted access to the individual's health information as necessary for treatment or continuity of care purposes. Otherwise, access to information shall be position or task-based such that employees have access only to the minimum information necessary for them to perform their required duties. All access levels shall be properly documented and justifiable to national or state standards.
4. **Standard Transactions.** Pima County shall comply with the Standard Transactions and Code Set rule established by HIPAA and other regulations.
5. **Training.** Pima County employees shall receive training enabling them to understand and fulfill their duties and obligations with respect to privacy, information security and compliance with established regulations. Employees with access to protected personal or health information shall receive additional training on protecting such information in their possession. Employees with additional responsibilities related to protected personal or health information, or supervision of those employees, shall receive additional training to maintain organizational compliance. All employees will receive required training as soon as possible after hire, but in no event more than 30 calendar days after the date the employee begins work. All training shall be documented in each workforce member's personnel files and updated regularly.
6. **Reporting Violations; Compliance.** Pima County shall have procedures and standards for the anonymous reporting and subsequent rigorous investigation of potential breach of privacy, information security or compliance. Employees shall report potential violations of privacy, information security or compliance regulations, policies or procedures to their manager, appointing authority, Privacy Official or other designated recipient. Retaliation against any employee who reports a violation is prohibited. Employees who violate such policies may be subject to disciplinary action.
7. **Privacy Official.** The County Administrator shall designate a single individual to serve as Privacy Official for Pima County, consistent with the requirements established in the HIPAA Privacy Rule.

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8. **Security Official.** The County Administrator shall designate a single individual to serve as the Security Official for Pima County, consistent with the requirements established in the HIPAA Security Rule.
9. **Business Associates.** The County Administrator shall direct Pima County departments, programs and functional areas to maintain compliance with the Business Associate standards established in 45 C.F.R. §§ 160.103 and 164.504, and other regulations as applicable, including the establishment, maintenance and utilization of Business Associate Agreements.

References:

Health Insurance Portability and Accountability Act of 1996 (HIPAA)
 HIPAA Privacy Rule (45 CFR §§ 160, 164)
 HIPAA Security Rule (45 CFR §§ 160, 164)
 Health Information Technology for Economic and Clinical Health (HITECH) Act (2009)
 United States Sentencing Commission Guidelines for Effective Compliance
 Arizona Revised Statutes
 ARS § 28-440
 ARS § 13-2001
 ARS § 44-7201
 ARS § 44-7301
 ARS § 44-7401
 ARS § 44-7501

Effective Date: 11/05/2013