



De-Identifying Protected Health Information **HHS Suggests Two Methods**

The Department of Health and Human Services' Office of Civil Rights ([OCR](#)) recently issued a [report](#) guiding covered entities in de-identifying protected health information (PHI), as required under the HIPAA [Privacy Rule](#). Properly de-identifying health data means that it may be used for purposes such as science and policy research.

As a reminder, PHI includes items relating to an individual's physical or mental health condition (whether past, present, or future), the provision of health care to him/her, payment for that care, and information such as name or Social Security Number which could identify that individual when paired with health records. Covered entities under the Privacy Rule include health care providers, health care clearinghouses and health plans.

OCR identified two ways for covered entities to de-identify health data. The first involves having an expert in science and statistics verify that there is no more than a very small risk that health information sent by the covered entity would allow the recipient to identify any individual who is the subject of such information. OCR did not provide any mandatory criteria for choosing a suitable expert, but did say that when reviewing a covered entity's use of an expert, it would focus on the expert's professional and academic experience, including any previous experience he/she has with de-identifying PHI.

The second method involves a process that OCR calls "safe harbor". A covered entity must remove various identifiers of an individual or his/her relatives or employer. These include names, addresses (except for states and part of a zip code in some cases), dates (except year), phone/fax numbers and email addresses, identification numbers (including Social Security and license plate numbers), and photographs or similar images. The safe harbor process is not complete until the covered entity is certain that none of the redacted information can be used by itself or along with other information to identify an individual who is the subject of such information.

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