



Welcome to Year 3: Session 2!

We will get started soon.

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Session 2 Learning Objectives

1. Define confidential information and implied confidential information.
2. Describe ways to maintain confidentiality and reduce risks of re-identification.
3. Identify the relevant laws that relate to confidentiality.

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As we work through today's content, consider...

(We will share out at the end of the session!)

What is something you would do differently in your BOH/BOS role after learning today's content?

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Confidentiality in Public Health Practice Public Health Leadership Academy

FEBRUARY 28, 2022
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The Fine Print

This training is not intended to be legal advice, and I am not a lawyer. Data sharing and confidentiality involve a large number of state and federal legal authorities. Please consult your attorney as needed.

All stories and data used within this presentation are completely fictitious. No IDPH data was consulted when making the examples in this presentation.

If there are any similarities to actual data or stories about individuals, it is purely coincidental.



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IDPH Definition of Confidential Information

Confidential Public Health Information, Record, or Data: A record, certificate, report, data, dataset, or information which is [confidential under federal or state law](#). As a general rule, public health records which [contain personally identifiable information \(PII\)](#) of a health-related nature are confidential under Iowa law.

Finger prints, voice prints, DNA
Date of Birth
Full Face Images
Email Address
Phone Number
Social Security Number
Medicaid ID Number
Address
Name
Medical Record Number
Computer IP Address



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IDPH Definition of Implied Confidential Information

Implied Confidential Data: Data which could be used to [indirectly establish the identity of a person](#) named in a confidential public health record by the [linking](#) of the released information or data with known [external information](#) which allows for the identification of such person. This commonly includes de-identified row-level information about an individual, and can also include some small count sizes.

Terms others may use:

Microdata

Aggregated data

Anonymized data

De-identified data



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So why is this relevant to you?

Where might we encounter this issue?

- Interviews
- Public Meetings
- Press Conferences
- Coalition/Workgroup Meetings
- Success Stories
- Meeting Report-Outs
- Grant Applications
- Agency Social Media Posts
- News/Media Stories
- Contract Progress Reports

Ask yourself – am I appropriately and fully protecting confidentiality?



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Could we identify someone without direct identifiers?

We often release data or discuss information with a number of different demographic variables and descriptors. This information, combined with external sources of information, could identify an individual. The more demographic information you combine, the higher the risk of identification.

- Race
- Ethnicity
- Country of Birth
- Age
- Grade in School
- Citizenship Status
- Marital Status
- Sexual Orientation
- Sex
- Gender Identity
- Immigration Status
- Insurance Coverage
- Education Level
- Language Spoken/Need for Interpretation Services
- Pregnancy Status
- Number of Children/Size of Family
- Existence of Other Family Relationships
- Religious Affiliation
- Academic Degrees Acquired
- Occupation
- Current or Former Military Service
- Current or Former Incarceration
- Income Range
- Tribal Affiliation



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Information Often Found in Obituaries

- Full Name
- Close Relatives Name
- Birth date/Age
- Birth locations
- Death date
- Cause of death as described by the family
- Place of employment
- City and state of most recent residence
- Time and Place of death
- Photo of deceased (could provide race information)
- Veteran status
- Marriage Date
- Tribal Membership
- Education level, degree(s) obtained
- Religious Affiliation
- Marital Status
- Maiden name or full name parents



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Let's look at a few examples



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Example 1

Person 1: We wanted to bring to the board's attention that there have been 8 deaths in our county related to methamphetamine use so far this year. This is a staggering number and intervention is indicated.

Person 2: The state's dashboard says 6 deaths. What accounts for the difference?

Person 1: Two individuals were in a car accident in March. It was classified as an accident, but the toxicology reports available to our office showed meth in both of the boys' systems.



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Person 2: The state's dashboard says 6 deaths. What accounts for the difference?

Person 1: **We have additional data and records that show these additional deaths. We expect the state to update their dashboard soon.**



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Example 2

Person 1: Can we can an update on the local childhood lead coalition work?

Person 2: We recently submitted an application and were funding to conduct lead abatement for a home on 3rd Street.

Person 1: That's wonderful! The coalition has had a hard time getting funding through that program in the past, correct? What do you think made your application successful this time?

Person 2: There were three kids in this home that tested positive for high blood lead levels. And two of them were under age 5.



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Person 1: Can we can an update on the local childhood lead coalition work?

Person 2: We recently submitted an application and were funding to conduct lead abatement in **a home in our county.**

Person 1: That's wonderful! The coalition has had a hard time getting funding through that program in the past, correct? What do you think made your application successful this time?

Person 2: **There were children in the home that tested positive for high blood lead levels. The need was greater in this circumstance according to the committee.**



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Example 3

Person 1: Are there any other issues or topics that anyone would like to bring forward for discussion?

Person 2: Yes. I want the board to be aware that we have a parent in our school district who is adamantly opposed to our department applying for the family planning funds offered by the state. She spoke up at a recent board of supervisor's meeting and I expect they'll be reaching out. We think she is opposed because her 18 year old daughter recently received services at our department. She was prescribed contraception and that upset mom. We plan to proceed with the application, but want you to be aware of potential backlash and press coverage.



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So what can you do?

1. Stop and think before speaking and answering questions on topics that relate to or stem from confidential information.
2. Leave out demographics and health details without relevance. Choose the most important details for your public health message. Consult legal counsel if unsure if you can share/discuss.
3. If preparing ahead of time, ask someone to review for you through the frame of confidentiality. If you're expecting certain topics or conversations to come up, think through how you might respond ahead of time.



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Ways to reduce risk of re-identification

Location: “County” is less identifiable than “City”, “Neighborhood”, “Street Name”, “School”

Sex/Gender: “They”, “the individual”, “the person”, “the client”, “the community member”, “the participant”, “the citizen” are less identifiable than “him”, “her”, “he”, “she”, “man”, “woman”, “girl”, “boy”.

Age: “Child”, “Adolescent”, “Older Adult”, “Person between the ages of 18 and 35” are less identifiable than “an 89 year old man”, “a four year old”, “a second grader”.



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Ways to reduce risk of re-identification

Time Period: Discussing details from longer time periods is less identifiable than for shorter time periods. For example, saying a county had 3 new HIV diagnoses last week carries a far greater risk of re-identification than saying there were 3 new HIV diagnoses in the last year.

Additional Considerations: Some conditions/situations carry higher risks for confidentiality breaches than others.

- Deaths
- High Profile Events
- Events with Media Coverage
- Conditions most common within specific racial/ethnic group
- Visible Behaviors and Conditions (For example – it is easier to identify if a person is pregnant than if they have heart disease.)

A few more examples

Example 4

Person 1: Can you tell us the status of outstanding contact tracing work for our county?

Person 2: We're a bit behind right now. We had a student from XYZ High School test positive yesterday. He didn't attend school, but he did go to basketball practice. We were able to get in touch with mom before school started and she got him back home and stopped his sister from attending school as well. But we do need to consider the entire varsity basketball team as close contacts.



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Example 4

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Example 5

Person 1: I want to provide an update on our staffing capacity for our home health schedule this month. We're planning on needing to do about twice as many visits as planned, so we will no longer be able to spare staffing for a vaccination clinic.

Person 2: Why the sudden increase in visits?

Person 1: One client has had her daughter living with her. Her daughter recently went on vacation and our client's son came home from college. He pointed out some additional medical concerns that we were unaware of. This will require we increase our visits.

Sidebar whispers: She went to Puerto Rico, right? Yeah. I still can't believe she didn't tell us about those medications. Listed no where in her medical record from X County Hospital!



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Example 5

Person 1: I want to provide an update on our staffing capacity for our home health schedule this month. We're planning on needing to do about twice as many visits as planned, so we will no longer be able to spare staffing for a vaccination clinic.

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Sidebar whispers: She went to Puerto Rico, right? Yeah. I still can't believe she didn't tell us about the NAME OF MEDICATION. Listed no where in her medical record from X County Hospital!



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Example 6

This week our county has experienced our first child death from COVID-19. This child had a pre-existing condition of asthma. We urge our community members to get the COVID vaccine if they are eligible and have not yet done so.

Only one obituary published for a child for that community for that week.



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Next Steps

1. Review the IDPH [Disclosure of Confidential Public Health Information, Records, or Data Policy](#)
2. Review [section 9](#) of the IDPH General Conditions, “Release of Information and Confidentiality of Records and Data”



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Confidentiality and HIPAA at the Local Level

LYNN ROSE, ASST. JOHNSON COUNTY ATTORNEY

FEBRUARY 28, 2022



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Confidentiality

Query from PH Staff: I have a question related to adolescent health care confidentiality in Title X clinics, specifically whether Title X protections supersede Iowa Code § 141A.7(3) related to HIV/AIDS care.

RELEVANT LAW:

42 C.F.R. §59.10(a)

Iowa Code §141A.7(3)



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Iowa Code §141A.7(3)

A person may apply for voluntary treatment, contraceptive services, or screening or treatment for HIV infection and other sexually transmitted diseases directly to a licensed physician and surgeon, an osteopathic physician and surgeon, or a family planning clinic. **Notwithstanding any other provision of law, however, a minor shall be informed prior to testing that, upon confirmation according to prevailing medical technology of a positive HIV-related test result, the minor's legal guardian is required to be informed by the testing facility.** Testing facilities where minors are tested shall have available a program to assist minors and legal guardians with the notification process which emphasizes the need for family support and assists in making available the resources necessary to accomplish that goal. **However, a testing facility which is precluded by federal statute, regulation, or centers for disease control and prevention guidelines from informing the legal guardian is exempt from the notification requirement.** The minor shall give written consent to these procedures and to receive the services, screening, or treatment. Such consent is not subject to later disaffirmance by reason of minority.



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42 C.F.R. §59.10(A)

§ 59.10 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about individuals receiving services must be held confidential and must not be disclosed without the individual's documented consent, except as may be necessary to provide services to the patient or as required by law, with appropriate safeguards for confidentiality. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals. Reasonable efforts to collect charges without jeopardizing client confidentiality must be made. Recipient must inform the client of any potential for disclosure of their confidential health information to policyholders where the policyholder is someone other than the client.



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HIPAA & FOIA

FOIA requests for JCPH e-mail communication about COVID - 19

Health Insurance Portability and Accountability Act

The HIPAA Privacy Rule (federal medical confidentiality regulations issued in 2002) protects the health care information of individuals. They are entitled to access their protected health information and to control the disclosure of that information.

Freedom of Information Act

Iowa Code Chapter 22 – Examination of Public Records



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What is something you would do differently in your BOH/BOS role after learning today's content?

Put your answers in the chat!

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Next Session

MONDAY, MARCH 28, 2022

6-7:30 PM

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