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Department: UW Medicine Compliance

Subject: PP-19a Handling Public Records Requests that contain Protected Health Information

Policy Number: 19a

Established Date: January 23, 2009

Revised Date:

Review Date:

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**Background:**

The University of Washington is a state institution and must respond to requests made under the Public Records Disclosure Act. The University processes public record requests for UW Medicine<sup>1</sup> information. Requests to the University's Public Records Office frequently include patient information. These types of requests must be handled to protect the privacy of our patients. The staff of the Office of Public Records functions as part of the University's role in UW Medicine when processing requests for UW Medicine related records and has been properly trained to have access to patient information for this purpose. Thus it is appropriate for University staff to provide UW Medicine related records containing patient information to this office.

**Policy:**

Given the importance of patient privacy, when processing a public records disclosure request, the University must ensure that individually identifiable patient information is not released. For a definition, see UW Medicine Privacy Policy: *PP-19 Protected Health Information, Limited Data Set, and De-Identification of Protected Health Information*. Individually identifiable patient information includes information about a relative, employer, or household member of a person seeking care.

Members of the public are allowed to make requests for information from the University through the Public Records Office. If the University's Public Records Office receives a request for UW Medicine information, the Public Records office works with the appropriate entity contact to process the request. When

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<sup>1</sup> For the purposes of HIPAA, UW Medicine includes the following entities: University of Washington Medical Center and Clinics; Harborview Medical Center and Clinics; UW Medicine Neighborhood Clinics (University of Washington Physicians Network); UW Physicians Sports Medicine Clinic; UW Physician's Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians.

processing a public records request that include patient information, the Public Records Office have the following options to process the request:

1. If a request is for an individual's patient medical record, the Office of Public Records refers the requestor to the appropriate Medical Records Department. These types of requests require a valid authorization.
2. If there is a reasonable basis to believe that the requested information can be used to identify University patients (a relative, the employer, or a household member of the individual patient) the information cannot be provided to the requestor without a valid authorization. The workforce member should inform the requestor that the information cannot be released because it might lead to the identification of University patients (or a relative, the employer, or a household member of the individual patient), and that authorization from those unnamed individuals would be required. If the requestor believes he/she knows who is involved, the requestor has the option to seek authorization.
3. If the request is for multiple patients or information that contains multiple patients' information, the patient information must be de-identified according to UW Medicine Privacy Policy; *PP-19 Protected Health Information, Limited Data Set, and De-Identification of Protected Health Information* before it is released. In processing the request, the entity contact highlights the information that needs to be redacted prior to sending the information to the Public Records Office. The Public Records Office reviews the information to ensure that all appropriate individual identifiers are redacted before the information is released to the requestor. Workforce members should use the following guiding principles when reviewing the information.
  - a. De-identify all information about individuals if they cannot be clearly identified as workforce members on the job or there is evidence to conclude that:
    - o the individual is seeking care
    - o a relative of a individual seeking care,
    - o the employer of a individual seeking care, **or**
    - o a household member of the individual seeking care.
  - b. When releasing video of UW Medicine facilities, information that can potentially be identified as protected health information (e.g., pictures of patients care areas, waiting rooms) must be de-identified by blurring identifiable features or the blurring of all identities on the video.

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**References:**

- I. 45 CFR 164.501 "Definitions."
- II. 45 CFR 164.514(e) "Limited Data Set."
- III. 45 CFR Parts 160 and 164; Section 164.514(a)-(c) "Other Requirements Relating To Uses and Disclosures of Protected Health Information".

**IV.** 45 CFR Parts 160 and 164; Section 164.502 (d) “Uses & Disclosures of Protected Health Information: General Rules – Uses & Disclosures of De-Identified Protected Health Information”.

**V.** RCW 42.56, The Public Records Act

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UW Privacy Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
Johnese M. Spisso, Vice President for Medical Affairs, UW & COO UW Medicine

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