

Processing Data Requests

**Prepared by the
NCHICA Privacy and Security Officials Workgroup**

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- Does the data request require any individually identifying health information (IIHI)?
 - Does the data request require any identifiers as defined under HIPAA
 - Is there health information such as diagnoses, procedures, chief complaint, name of a health care provider that can infer a diagnosis (e.g., psychiatric hospital), lab results, medications
- If yes, can the data be de-identified?
 - None of the identifiers in the list of identifiers will be included in the data
- If data cannot be de-identified, is the data request for treatment, payment or health care operation purposes or has the patient requested access to the information?
- If no, does the IIHI meet the minimum necessary requirement?
 - Verify with requestor that the IIHI is essential to fulfill the need of the data request. If IIHI is not necessary, do not include in the data provided to requestor
- If yes, is the data request required by law?
 - Determine if there is a state or federal law or regulation that requires disclosure of the information.
- If no, can a limited data set be used?
 - Some or all of the identifiers fall in the list of identifiers that can be included in a limited dataset
 - The limited data set request is for a public health, research or health care operation purpose
 - The requestor has signed a Data Use Agreement with the owner of the data
- If a limited data set cannot be used, under what authority can the data request be fulfilled?
 - For internal use only by a member of the workforce and the minimum necessary requirements have been met.
 - For use by a Business Associate who needs the information to perform functions required under their contract and the minimum necessary requirements have been met
 - The request is for research purposes and all of the requirements relative to research have been fulfilled
 - The disclosure is permitted under HIPAA without patient authorization and there are no state laws prohibiting the disclosure (e.g., disclosure is for treatment, payment, health care operations, to a public health authority for public health activities, child or disabled adult abuse or neglect reporting, health oversight activities, judicial or administrative proceedings, law enforcement purposes, averting serious threat to health or safety, specialized government functions, worker's compensation,
 - The patient(s) identified in the data request have authorized disclosure to the requestor
- It is highly recommended that all data requests be in writing and the authority for fulfilling the data request be specified.