

Instructions for Submitting Notice of a Breach to the Secretary

The breach notification interim final rule requires **covered entities** to provide the Secretary with notice of breaches of unsecured protected health information (45 CFR 164.408). The number of individuals affected by the breach determines when the notification must be submitted to the Secretary. Please review the instructions below for submitting breach notifications.

Breaches Affecting Fewer than 500 Individuals

For breaches that affect fewer than 500 individuals, a covered entity must provide the Secretary with notice annually. All notifications of breaches occurring in a calendar year must be submitted within 60 days of the end of the calendar year in which the breaches occurred. Notifications of all breaches occurring after the effective date in 2009 must be submitted by March 1, 2010. This notice must be submitted electronically by following the link below and completing all information required on the breach notification form. A separate form must be completed for every breach that has occurred during the calendar year.

If a covered entity that has submitted a breach notification form to the Secretary discovers additional information to report, the covered entity may submit an additional form, checking the appropriate box to signal that it is an updated submission.

[Notice to the Secretary of HHS of Breach of Unsecured Protected Health Information](#)

Source: OCR's website: Instructions for Submitting Notice of a Breach to the Secretary
<http://www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/brin>