AT A GLANCE – May I disclose protected health information for public health emergency preparedness purposes?

(From the perspective of the source of the information)

**Disclosure to a Public Health Authority**

**START**

- Am I a covered entity? §160.103
  - NO → The Privacy Rule does not apply to non-HIPAA covered entities → Disclosures can be made without regard to the Privacy Rule
  - YES → Is the intended recipient a public health authority (PHA)? §164.501
    - YES → Is the PHA authorized by law to collect or receive information for the purpose of preventing or controlling:
      - disease,
      - injury, or
      - disability including, for purposes of emergency preparedness? §164.512(b)(1)(i)
        - YES → The disclosure may NOT be made unless there is a signed authorization
        - NO → The disclosure CAN be made
    - NO → Are you disclosing only a limited data set (LDS)? §164.514(e)
      - YES → Do you have a data use agreement with the recipient of the information? §164.514(e)
        - YES → You may make a disclosure subject to minimum necessary §164.502(b), §164.514(d)
        - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508
      - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508

**Disclosures related to treatment & public health**

- Is the intended recipient an agency that seeks information for public health purposes?
  - NO → Is the intended recipient a health care provider that uses or discloses information for treatment purposes?
    - NO → Is the disclosure by a provider and is the recipient another person or agency that would use or disclose information for treatment or certain health care operations? NO → The disclosure may NOT be made unless there is a signed authorization
    - YES → The disclosure CAN be made
  - YES → Are you disclosing only a limited data set (LDS)? §164.514(e)
    - YES → Do you have a data use agreement with the recipient of the information? §164.514(e)
      - YES → You may make a disclosure subject to minimum necessary §164.502(b), §164.514(d)
      - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508
    - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508

**Disclosure of a Limited Data Set**

- Are you disclosing only a limited data set (LDS)? §164.514(e)
  - YES → Do you have a data use agreement with the recipient of the information? §164.514(e)
    - YES → You may make a disclosure subject to minimum necessary §164.502(b), §164.514(d)
    - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508
  - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508

**Disclosure with individual authorization**

- Is the intended recipient a health care provider that uses or discloses information for treatment purposes?
  - NO → Is the disclosure by a provider and is the recipient another person or agency that would use or disclose information for treatment or certain health care operations? NO → The disclosure may NOT be made unless there is a signed authorization
  - YES → The disclosure CAN be made

- Is the intended recipient an agency that seeks information for public health purposes?
  - NO → Is the intended recipient a health care provider that uses or discloses information for treatment purposes?
    - NO → Is the disclosure by a provider and is the recipient another person or agency that would use or disclose information for treatment or certain health care operations? NO → The disclosure may NOT be made unless there is a signed authorization
    - YES → The disclosure CAN be made
  - YES → Are you disclosing only a limited data set (LDS)? §164.514(e)
    - YES → Do you have a data use agreement with the recipient of the information? §164.514(e)
      - YES → You may make a disclosure subject to minimum necessary §164.502(b), §164.514(d)
      - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508
    - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508

- Is the intended recipient a public health authority (PHA)? §164.501
  - IS THE PHA AUTHORIZED BY LAW TO COLLECT OR RECEIVE INFORMATION FOR THE PURPOSE OF PREVENTING OR CONTROLLING:
    - DISEASE,
    - INJURY, OR
    - DISABILITY INCLUDING, FOR PURPOSES OF EMERGENCY PREPAREDNESS? §164.512(b)(1)(i)
      - YES → The disclosure may NOT be made unless there is a signed authorization
      - NO → Is the intended recipient a public health authority (PHA)? §164.501
        - YES → Is the intended recipient an agency that seeks information for public health purposes?
          - NO → Is the intended recipient a health care provider that uses or discloses information for treatment purposes?
            - NO → Is the disclosure by a provider and is the recipient another person or agency that would use or disclose information for treatment or certain health care operations? NO → The disclosure may NOT be made unless there is a signed authorization
            - YES → The disclosure CAN be made
          - YES → Are you disclosing only a limited data set (LDS)? §164.514(e)
            - YES → Do you have a data use agreement with the recipient of the information? §164.514(e)
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          - YES → Do you have a data use agreement with the recipient of the information? §164.514(e)
            - YES → You may make a disclosure subject to minimum necessary §164.502(b), §164.514(d)
            - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508
          - NO → Obtain individual authorization, unless the disclosure is otherwise permitted by another provision of the Privacy Rule §164.508